

Exhibit B

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 PETER RODRIGUEZ,

4 PLAINTIFF,

5 -against-

Case No.:

20-cv-9840 (GHW) (BM)

6
7 CITY OF NEW YORK, E.S.U. CAPTAIN MOISE # 1451,
E.S.U. OFFICER GALUEZVSKIY # 8957, E.S.U. OFFICER
8 TEMIR WILLIAMS # 11475, CORRECTION OFFICER FERRARO # 1805,
CAPTAIN GIBSON,

9 DEFENDANTS.

10 -----X
11
12 DATE: September 14, 2022

13 TIME: 10:00 A.M.
14
15

16 VIRTUAL DEPOSITION of the Plaintiff,
17 PETER RODRIGUEZ, taken by the Defendants, pursuant to a
18 Court Order and to the Federal Rules of Civil Procedure,
19 held on the above time and date, before Lynda Adam, a
20 Notary Public of the State of New York.
21
22
23
24
25

A P P E A R A N C E S:

PETER RODRIGUEZ

Pro Se

Attica Correctional Facility

639 Exchange Place

Attica, New York 14011

DIN# 22B2287

HON. SYLVIA O. HINDS-RADIX

CORPORATION COUNSEL

NEW YORK CITY LAW DEPARTMENT

Attorneys for the Defendants

100 Church Street

New York, New York 10007-2601

BY: KATHERINE WEALL, ESQ.

File #: 2020-045742

Control #: 22-2333

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F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

RODRIGUEZ

Page 4

1 P E T E R R O D R I G U E Z, called as a witness, having
2 been first duly sworn by a Notary Public of the State of
3 New York, was examined and testified as follows:

4 EXAMINATION BY

5 MS. WEALL:

6 Q. Please state your name for the record.

7 A. Peter Rodriguez, DIN# 22B2287.

8 Q. What is your current location?

9 A. Located at Elmira [SIC] Correctional Facility.

10 Q. Good morning, Mr. Rodriguez.

11 A. Yes.

12 Q. My name is Katherine Weall.

13 I represent the defendants in this action you
14 have brought in the United States District Court of the
15 Southern District of New York.

16 The purpose of this deposition is for me to ask
17 you questions about the allegation that the defendant
18 officers used excessive force on you and denied you medical
19 care and harassed you.

20 You understand I will be asking you questions
21 related to these claims in this case, right?

22 A. Yes, ma'am.

23 Q. All right. Now, before we begin the deposition,
24 I'm going to give you some rules for the deposition; the
25 first one and possibly the most important one, I ask that

RODRIGUEZ

Page 5

1 you give verbal responses.

2 Please do not nod your head or shake your head or
3 say ah-hah or anything like that.

4 The court reporter here needs to be able to
5 transcribe what you say and she cannot write down a head
6 shake; do you understand?

7 A. Yes, ma'am.

8 Q. Please keep your voice up and speak clearly so
9 the court reporter can transcribe the deposition
10 accurately; do you understand?

11 A. Yes.

12 Q. If there is any question that I ask that you do
13 not hear, let me know, and I will repeat the question,
14 okay?

15 A. Yes.

16 Q. If there is any question that I ask that you do
17 not understand, let me know, and I will try my best to
18 rephrase the question; do you understand?

19 A. I understand.

20 Q. Unless you tell me otherwise, I will assume you
21 have understood and heard my question; do you understand
22 that?

23 A. I do.

24 Q. All right. Now, if you don't know the answer to
25 a question, please do not guess, just tell me that you

RODRIGUEZ

Page 6

1 don't know, okay?

2 A. Yes.

3 Q. All right. And I only expect to you testify to
4 events that you remember. If I ask you a question and you
5 don't remember, tell me that you don't remember, okay?

6 A. Yes.

7 Q. And please wait for me to finish my questions
8 completely, before you answer, so that the court reporter
9 can transcribe a full question and a full answer; do you
10 understand?

11 A. Yes.

12 Q. Do you understand you have taken an oath to tell
13 the truth during this deposition?

14 A. I understand.

15 Q. Do you understand that even though we are not in
16 a courtroom, that oath is the same oath you would take as a
17 witness in a courtroom, if this case goes to trial?

18 A. I understand.

19 Q. Have you ever testified under oath before?

20 A. I have.

21 Q. How many times?

22 A. I'm not sure how many times.

23 Q. More than five?

24 A. Possibly.

25 Q. More than ten?

RODRIGUEZ

Page 7

1 A. No.

2 Q. In what case or cases did you testify under oath?

3 A. On multiple cases.

4 Q. Are those civil cases, or criminal cases?

5 A. Civil cases.

6 Q. And how many civil cases are we talking about?

7 A. I'm not sure of the exact number.

8 Q. When did you bring these cases?

9 A. Sorry, can you rephrase the question.

10 Q. When did you bring the cases?

11 A. What cases are you referring to?

12 Q. The civil cases in which you testified under
13 oath.

14 A. I brought those cases on different dates.

15 Q. Okay. So starting with Case No. 1, what date did
16 you bring that case?

17 A. I'm not sure what case you are referring to, but
18 -- are you referring to civil cases?

19 Q. As we've been discussing so far, I'm talking
20 about the civil cases in which you have testified under
21 oath.

22 A. So what would you like for me to -- how would you
23 like for me to answer your question?

24 Q. I would like to know what the cases are and when
25 they were brought.

RODRIGUEZ

Page 8

1 A. You're saying, what the cases are?

2 Q. Yes.

3 A. You mean -- like the docket numbers or --

4 Q. The name of the case and the docket number.

5 A. All right. So would you like for me to list
6 them, right now?

7 Q. Yes, please.

8 A. All right. I brung [SIC] -- civil case
9 21-cv-1810.

10 Q. When did you file that case?

11 A. I filed it with the court, 3/2/21.

12 Q. All right. What is the name of that case?

13 A. Peter Rodriguez versus the city, et al.

14 Q. All right. And then the next case.

15 A. 20-cv-11045. Peter Rodriguez versus the city, et
16 al.

17 Q. All right. When did you bring that case?

18 A. I filed that case on 12/29/20.

19 Q. All right. And in both of those cases have you
20 testified under oath?

21 A. No. On only one of those cases that I referred
22 to.

23 Q. In which case?

24 A. 20-cv11045.

25 Q. And was that at a deposition, or was it at a

RODRIGUEZ

Page 9

1 trial?

2 A. I testified under oath at a deposition.

3 Q. And when did you do that?

4 A. 10/3/22.

5 Q. Thank you. Are there other cases in which you
6 have testified under oath?

7 A. Yes.

8 Q. All right. And what are those cases?

9 A. I don't have the name of that case, but I
10 testified, it's a matter that another attorney is
11 representing me in.

12 Q. Is it a civil matter?

13 A. I'm not sure.

14 Q. Are you suing someone?

15 A. Yes.

16 Q. When did you bring that case?

17 A. The date of incident was 12/30/21.

18 I don't know when my attorney filed the case and
19 I don't know where he filed it.

20 Q. Do you have any other civil cases?

21 A. I do have other civil cases.

22 Q. Can you give us the names and docket numbers of
23 those cases, please.

24 A. Sorry, you asked for -- you specifically asked
25 for cases that I was deposed on, right or swore under oath?

RODRIGUEZ

Page 10

1 Q. Yes.

2 A. Okay. So then --

3 Q. Well, sorry, we were going to get later to civil
4 cases that you have brought; so we may as well do it now
5 while we're talking about it.

6 A. All right. So can you rephrase the question,
7 please.

8 Q. All right. I would like the names and the docket
9 numbers of the civil cases you have brought.

10 Then you can tell me in which cases you have also
11 testified under oath.

12 A. The other -- including the other two cases, I
13 have two more cases that I brought myself pro se.

14 The next case 21-cv-1384. Peter Rodriguez versus
15 te city, et al, and I filed that case on 2/17/21.

16 Q. All right. And did you testify under oath in
17 that case?

18 A. No, I did not.

19 Q. All right. What was the next case?

20 A. This matter that we are currently handling.

21 Q. All right. Have you brought any other civil
22 cases at any time?

23 A. Not that I'm aware of. Not personally, no.

24 If I hired an attorney and he did it himself?

25 I'm not aware of the details.

RODRIGUEZ

Page 11

1 Q. All right. Has anyone ever sued you?

2 A. No.

3 Q. Have you ever testified under oath in a criminal
4 matter?

5 A. No.

6 Q. Now, if you realize during the deposition that an
7 earlier answer that you gave was inaccurate or incomplete,
8 let me know, and I will gave you a chance to complete it;
9 do you understand that?

10 A. Yes.

11 Q. You are also allowed to review the transcript of
12 today's deposition, which I will send to you; after you
13 review it, you can correct any errors that you find in the
14 transcript; do you understand that?

15 A. Yes.

16 Q. All right. However, you need to be aware, if you
17 make changes to the transcript, I will be able to comment
18 on those changes at trial; do you understand?

19 A. I understand.

20 Q. Now, if you need to take a break, please let me
21 know. I only ask that you answer any question that is
22 pending, before we take a break; do you understand that?

23 A. I understand.

24 Q. Okay. Now, Mr. Rodriguez, is English your first
25 language?

RODRIGUEZ

Page 12

1 A. Sorry, can you repeat the question.

2 Q. Yes. Is English your first language?

3 A. That it is.

4 Q. Do you understand all of the rules of the
5 deposition that we have discussed today?

6 A. Yes, I do.

7 Q. All right. Now, is there any reason at all that
8 you cannot give truthful and complete testimony today?

9 A. No.

10 Q. Are you aware of any physical or mental
11 conditions that could interfere with your ability to
12 testify today?

13 A. No.

14 Q. Have you taken any medications, either
15 prescription or over-the-counter medications, in the last
16 24 hour period, that could interfere with your ability to
17 testify accurately today?

18 A. No.

19 Q. Have you taken any medications, that would affect
20 your ability to recall past events?

21 A. No.

22 Q. Have you not taken any medication that you should
23 have taken, that might interfere with your ability to
24 answer questions truthfully and accurately?

25 A. No.

RODRIGUEZ

Page 13

1 Q. Now, in the civil cases that we just talked about
2 that you gave me the docket numbers and names of, has any
3 of those cases concluded?

4 A. No.

5 Q. So they are all still active?

6 A. Yes.

7 Q. Have you ever testified as a witness at trial?

8 A. No.

9 Q. Are you represented by an attorney at today's
10 deposition?

11 A. I am not.

12 Q. Have you reviewed any documents in preparation
13 for your deposition?

14 A. I have.

15 Q. And what documents are those?

16 A. All the documents that were provided to me
17 through you.

18 Q. So all of our various document productions, you
19 have reviewed?

20 A. That is correct.

21 Q. And did those documents refresh your recollection
22 of the incidents underlying this lawsuit?

23 A. Yes.

24 Q. Have you discussed this case with anyone, before
25 today's deposition?

RODRIGUEZ

Page 14

1 A. Sorry, rephrase the question.

2 Q. All right. Have you talked with any other person
3 about this case, before today's deposition?

4 A. No.

5 Q. In terms of lawsuits that you have brought
6 before, have you ever withdrawn a case after bringing it,
7 without the case being resolved?

8 A. I have not.

9 Q. And aside from the lawsuits you have already
10 mentioned, have you ever brought any other actions against
11 the City of New York?

12 A. Other than the ones that I mentioned, I'm not
13 sure.

14 Q. And how is it that you are not sure about
15 lawsuits that you have brought?

16 A. That's because, on the other cases, the lawsuits
17 that I had, I was represented by an attorney who handled
18 all the paperwork, and I did not have any of that
19 paperwork; so I'm not sure if it was against the city or
20 not.

21 Q. Okay. And how many of those cases are there in
22 which you were represented by an attorney and you don't
23 have the paperwork?

24 A. A few.

25 Q. Have you told us about all of them today, or do

RODRIGUEZ

Page 15

1 you need to add to the list of cases that you gave us
2 previously?

3 A. I mentioned earlier that I didn't know all of the
4 cases and I don't have the docket numbers and if they were
5 civil cases or not because I was represented by an
6 attorney. I mentioned that earlier.

7 Q. All right. And approximately when would these
8 cases have been brought, if they had been brought?

9 A. Maybe within the last couple of years or --
10 longer.

11 Q. Have all of the cases been brought since your
12 arrest?

13 A. Sorry, rephrase the question?

14 Q. All right. Before you were arrested, before your
15 initial arrest in which you wound up incarcerated at Rikers
16 Island, had you ever filed a lawsuit against the City of
17 New York, before that?

18 A. I'm not sure.

19 Q. And how are you not sure whether you have ever
20 brought other lawsuits against the City of New York?

21 A. Because the other matters, I was represented in
22 them; so I didn't file any of the paperwork, so --
23 (Indicating.) I'm not sure who the attorneys filed suit
24 against.

25 Q. And were those cases brought, before you became

RODRIGUEZ

Page 16

1 an inmate?

2 A. No.

3 Q. Okay. Have you ever been compensated for any
4 claim that you brought against the City of New York?

5 A. Yes.

6 Q. In which case was that?

7 A. I don't know the name of the case.

8 I was represented by an attorney Matthew B.
9 Waller was my attorney, so I don't know the date it was
10 filed nor do I know if it was against the city or --
11 (Indicating.)

12 But I believe it was against the city, to the
13 best of my knowledge; but I don't know the dates and I
14 don't know when it was filed or where it was filed in what
15 court.

16 Q. Do you know approximately when it was resolved?

17 A. 2020.

18 Q. And was it resolved by settlement?

19 A. That, it was.

20 Q. And how much money did you receive for that
21 settlement?

22 A. \$1500.

23 Q. And what was your injury in that case?

24 A. I was slashed on Rikers Island.

25 Q. And approximately when did that incident take

RODRIGUEZ

Page 17

1 place?

2 A. I can't recall.

3 Q. Have you ever been compensated for any other
4 claim that you brought against the City of New York?

5 A. No, to the best of my knowledge.

6 Q. Have you ever been known by any other name, other
7 than Peter Rodriguez?

8 A. No.

9 Q. Do you have a middle name?

10 A. Sorry, can you repeat the question.

11 Q. Do you have a middle name?

12 A. I do have a middle name.

13 Q. All right. And what is your middle name?

14 A. Luis, L-U-I-S.

15 Q. Have you ever been known by any nicknames?

16 A. No.

17 Q. What is your date of birth?

18 A. XX-XX-1990.

19 Q. And what is your Social Security number?

20 MS. WEALL: And we will only record the last
21 four digits of the Social Security number.

22 A. XXX-XX-6493.

23 Q. Have you ever used another Social Security
24 number?

25 A. No.

RODRIGUEZ

Page 18

1 Q. Where were you born?

2 A. Staten Island, New York.

3 Q. What is your current marital status?

4 A. Married.

5 Q. How many times have you been married?

6 A. Once; this is my only time.

7 Q. Sorry?

8 A. This is my only time.

9 Q. Sorry, I did not mean to cut you off.

10 A. I've only been married once; this is my only
11 time.

12 Q. When did you get married?

13 A. 2/21/14. 2014.

14 Q. And what is the name of your spouse?

15 A. Karen Capote, K-A-R-E-N C-A-P-O-T-E.

16 Q. And where does she live?

17 A. I don't know her address.

18 Q. Are you in touch with her at all?

19 A. Sparingly.

20 Q. When you say, sparingly, approximately how many
21 times a month are you in touch with her?

22 A. Sometimes none.

23 Q. Approximately how many times a year are you in
24 touch with her?

25 A. Couple of times throughout the year.

RODRIGUEZ

Page 19

1 Q. Do you have any children?

2 A. I do.

3 Q. How many children do you have?

4 A. I have two children.

5 Q. And how old are your children?

6 A. I have a seven year old and I have a nine year
7 old.

8 Q. And are they sons, or daughters?

9 A. Boys, both boys.

10 Q. Did you graduate from high school?

11 A. Yes, I did.

12 Q. All right. And when did you graduate from high
13 school?

14 A. I believe it was either 2019 or 2020 -- sorry --
15 either 2009 or 2010.

16 Q. All right. And which high school did you go to?

17 A. C.U.N.Y. Preparatory High School.

18 Q. And where is that located?

19 A. White Plains Road, Bronx, New York.

20 Q. Have you ever attended college?

21 A. I have.

22 Q. When did you attend college?

23 A. I attended college, 2014, between the months of
24 August and September.

25 Q. And what college did you attend?

RODRIGUEZ

Page 20

1 A. Technical Career Institute.

2 32nd Street, New York, New York.

3 Q. And did you have a major while you were there?

4 A. That, I did.

5 Q. What was your major?

6 A. Automotive technology.

7 Q. Did you receive any credentials from that school?

8 A. No, school was ultimately closed.

9 Q. Have you received any other training or
10 education?

11 A. No.

12 Q. Did you ever serve in the military?

13 A. No.

14 Q. Have you ever had a job?

15 A. Yes.

16 Q. Okay. What was the last job that you held?

17 A. I was the regional distributor for Original
18 Fronto Leaf which is a tobacco company.

19 Q. And when was that?

20 A. Sorry?

21 Q. When was that?

22 A. Rephrase the question.

23 Q. When did you hold that job?

24 A. Between the years of 2014 and 2015.

25 Q. And why did you leave that job?

RODRIGUEZ

Page 21

1 A. Because I was incarcerated.

2 Q. What was your salary when you had that job?

3 A. I didn't have a salary.

4 Q. What was your hourly pay at that job?

5 A. I got paid by commission.

6 Q. Approximately how much did you earn in commission
7 in 2014?

8 A. I'm not sure.

9 Q. What about in 2015?

10 A. I'm not sure.

11 Q. Did you have a job before that job?

12 A. Yes.

13 Q. What job was that?

14 A. I worked at Mighty Taco on Chippewa Street in
15 Buffalo, New York.

16 Q. And when did you live there?

17 A. I lived in Buffalo --

18 Q. Sorry, sorry. When did you work there?

19 I'm correcting myself.

20 A. I'm not sure of the date.

21 Q. Do you know approximately how long you worked
22 there?

23 A. I worked there for over a month.

24 Q. Why did you leave that job?

25 A. I relocated.

RODRIGUEZ

Page 22

1 Q. You relocated from Buffalo to where?

2 A. New York City.

3 Q. And have you had any other jobs?

4 A. I do not remember.

5 Q. Have you ever claimed unemployment benefits?

6 A. No.

7 Q. Have you ever received public assistance?

8 A. Yes.

9 Q. When was that?

10 A. I don't remember.

11 Q. And in what form did you receive Public
12 Assistance?

13 A. I don't understand the question.

14 Q. For example, you could have received Medicaid,
15 you could have received Food Stamps, you could have
16 received Section 8 Housing vouchers; what form did your
17 Public Assistance take?

18 A. Cash assistance, Food Stamps, medical insurance.

19 Q. So would that have been Medicaid?

20 A. Possibly.

21 Q. And over what period of time did you receive
22 Public Assistance?

23 A. I don't remember.

24 Q. Now, where are you currently incarcerated?

25 A. I'm currently incarcerated in Attica Correctional

RODRIGUEZ

Page 23

1 Facility.

2 Q. How long have you been there?

3 A. I've been at Attica Correctional Facility, since
4 August 18th.

5 Q. And before August 18th, where were you
6 incarcerated?

7 A. Elmira Correctional Facility.

8 Q. And how long were you incarcerated at Elmira?

9 A. For about two-and-a-half months.

10 Q. All right. And where were you incarcerated,
11 before you were incarcerated at Elmira?

12 A. Rikers Island.

13 Q. Which facility on Rikers Island?

14 A. North Infirmary Command.

15 Q. And how long were you incarcerated at the North
16 Infirmary Command?

17 A. I'm not sure.

18 Q. How long were you in New York City Department of
19 Corrections custody?

20 A. Six-and-a-half years.

21 Q. What was the date of your arrest?

22 A. March 10, 2016.

23 Q. Now --

24 A. I would like to go back on a question.

25 Q. Yes?

RODRIGUEZ

Page 24

1 A. Basically you asked me a question on when was the
2 last time I was deposed or did a deposition or swore under
3 oath?

4 Q. Yes.

5 A. And I told you that the case number was
6 20-cv-11045. I told you that the date was 10/3/22.

7 After reviewing my documents, I would like to
8 change the date that I actually had that deposition which
9 was actually September 3, 2022 -- sorry -- August 3, 2022.

10 Q. Okay. So just over a month ago?

11 A. Yes. Because I said, 10/3/22, but, actually, I
12 had said the number wrong; so I just wanted to go back on
13 that question and re-answer the question properly.

14 Q. Okay.

15 A. So it was August 3, 2022 that I had -- that I
16 last sworn under oath to do a deposition which was for
17 20-cv-11045.

18 Q. And had you ever been deposed before that?

19 A. I have been deposed before that.

20 Q. And approximately when was that?

21 A. 10/28/21. And that was the same matter that I
22 just discussed 20-cv-11045.

23 Q. So were you deposed twice in that case?

24 A. That, I was.

25 Q. All right. Have you ever been convicted of a

RODRIGUEZ

Page 25

1 crime?

2 A. Yes.

3 Q. How many times?

4 A. Three times.

5 Q. What was the first crime you were convicted for?

6 A. The first time I was convicted -- I'm not sure of
7 the year -- it could have been 2014 or 2013 -- and I was
8 convicted of petty larceny.

9 Q. All right. Did you serve any time in connection
10 with that conviction?

11 A. Yes, I served 30 days county time.

12 Q. All right. And what about the second crime that
13 you were convicted of, when was that?

14 A. The second crime that I was convicted of, I'm not
15 sure if it was 2013 or 2014; I was convicted of battery in
16 Volusia County in Florida, and I served 30 days.

17 Q. You said there was a third crime; what was that
18 crime and when were you convicted of it?

19 A. The third crime I was convicted of was
20 kidnapping, and I was convicted of that in April of this
21 year.

22 Q. And what sentence did you receive for that?

23 A. I received nine years.

24 Q. Have you ever been arrested for a crime for which
25 you have not been convicted?

RODRIGUEZ

Page 26

1 A. Yes.

2 Q. And what was that crime?

3 A. Can you rephrase the question, please.

4 Q. You testified that you have been arrested for a
5 crime that you have not been convicted of, and I would like
6 to know, what that crime was?

7 A. I want to object to the question.

8 Q. Okay. You can object, but you still have to
9 answer.

10 A. I want to object because it assumes facts not in
11 evidence.

12 Q. That's not a proper objection at a deposition.
13 And you do have to answer the question.

14 A. Well, I'm going to say it's -- a proper objection
15 would be immaterial, right?

16 Q. No, only to form is a proper objection at a
17 deposition. You're thinking of objections at trial.

18 A. Well, under Rule 32(B) 3(A) that is basically a
19 proper objection.

20 Q. It's not. But in any event you have to answer
21 the question. All an objection does is preserve the
22 objection for the record.

23 A. Yes, so can you rephrase the question again.

24 Q. Okay. How many times have you been arrested?

25 A. I'm not sure.

RODRIGUEZ

Page 27

1 Q. Were you arrested in 2016?

2 A. Yes, I was.

3 Q. What was the crime you were arrested for in 2016?

4 A. I was arrested for the crime of murder in the
5 second.

6 Q. Have you been convicted of that crime?

7 A. I have not.

8 Q. Are you still awaiting trial for that crime?

9 A. That, I am.

10 Q. Have you ever been arrested for any other crimes,
11 that we have not yet discussed today?

12 A. I have not.

13 Q. You said earlier that you were arrested for a
14 crime in Florida; how long did you live in Florida?

15 A. I'm not sure.

16 Q. Approximately what year to what year?

17 A. I do not recall.

18 Q. Besides Florida and New York, have you ever lived
19 in any other states?

20 A. No.

21 Q. Have you ever been on parole?

22 A. No.

23 Q. Besides the murder charges that we have already
24 discussed, are you currently charged with any crimes?

25 A. To the best of my knowledge, no.

RODRIGUEZ

Page 28

1 Q. Do you have a trial date for your murder charge?

2 A. I do not.

3 Q. Have you been charged with any crimes, since you
4 have been incarcerated?

5 A. Can you rephrase the question.

6 Q. Since you have been in custody, have you been
7 charged with any crimes?

8 A. I object. That question is repetition.

9 Q. It's not.

10 A. Yes, you -- basically, you asked me if I had been
11 convicted and uncharged of any crimes.

12 I told you my convictions and my crimes that I
13 have been charged with.

14 Q. I asked if you have been convicted.

15 I had not asked about charges.

16 I'm asking about charges now.

17 A. You asked me if I was convicted or charged with
18 any crimes during my incarceration and prior to my
19 incarceration, I answered.

20 Q. I asked about convictions.

21 I'm now asking about charges.

22 A. Okay. Can we request from the reporter to read
23 that back, please, and review.

24 Q. Okay, let's do that.

25 MS. WEALL: Read that back, please.

RODRIGUEZ

Page 29

1 (Whereupon, the referred to questions and
2 answers were read back by the Reporter.)

3 Q. So, sir, can you answer the question, please,
4 Mr. Rodriguez?

5 A. Can you repeat the question, please.

6 Q. Have you been charged with any crimes, since you
7 have been incarcerated?

8 A. I've only been charged with the crime that I've
9 been convicted of.

10 Q. And is that the kidnapping charge?

11 A. Yes.

12 Q. Were any other charges brought against you, in
13 relation to that crime that you were not convicted of?

14 A. Yes.

15 Q. And what were those charges?

16 A. I do not have the charges in front of me, so I
17 don't know.

18 Q. Have you had any infractions since you have been
19 incarcerated?

20 A. Yes.

21 Q. How many infractions have you had?

22 A. I do not know.

23 Q. More than 10?

24 A. Yes.

25 Q. More than 20?

RODRIGUEZ

Page 30

1 A. Yes.

2 Q. More than 30?

3 A. Yes.

4 Q. More than 40?

5 A. Yes.

6 Q. More than 50?

7 A. Yes.

8 Q. More than 60?

9 A. I do not know.

10 Q. Okay. What was the most serious infraction that
11 you received?

12 A. Sorry, can you rephrase the question.

13 Q. Okay. Infractions vary in their seriousness.
14 What was the most serious infraction for which you were
15 infracted?

16 A. I do not know.

17 Q. Have you ever been infracted for setting a fire
18 in your cell?

19 A. I do not know. I don't have my disciplinary
20 record in front of me, so I'm not sure.

21 Q. I think you would remember if you had ever been
22 infracted for setting a fire in your cell or not.

23 A. Sorry, I did not hear a question.

24 Q. Have you ever set a fire in your cell before?

25 A. I'm not sure.

RODRIGUEZ

Page 31

1 Q. That's a yes or no question.

2 A. (No response.)

3 Q. Could you answer that with a yes or no, please.

4 A. I do not recall.

5 Q. Do you use any illegal drugs?

6 A. I do not.

7 Q. Do you drink alcohol?

8 A. I do not.

9 Q. I would like to turn your attention to the first
10 incident that forms the basis of this lawsuit; and that is
11 the date that you claim a fire started in your cell.

12 Did you start that fire in your cell?

13 A. No.

14 Q. How did that fire start?

15 A. I'm not sure.

16 Q. Where in the cell did the fire occur?

17 A. By the door.

18 Q. Was there an electrical outlet there?

19 A. Yes.

20 Q. Was it the electrical outlet that caught fire?

21 A. I'm not sure.

22 Q. What item in the cell caught fire?

23 A. I do not recall.

24 Q. Were you in the cell at the time?

25 A. Yes.

RODRIGUEZ

Page 32

1 Q. When did you notice the fire?

2 A. Can you rephrase the question, please.

3 Q. At some point did you notice there was a fire in
4 your cell?

5 A. No.

6 Q. So how do you know there was a fire in your cell,
7 if you never noticed it?

8 A. Sorry, I never stated that I noticed a fire in my
9 cell. I don't understand the question.

10 Q. Okay. You stated there was a fire in your cell;
11 is that correct?

12 A. Yes, there was.

13 Q. Okay. At some point, did you notice that there
14 was a fire in your cell?

15 A. Can we go back on the first question you asked
16 me. If you noticed the -- can we go back on the
17 question -- I want to review the question, please.
18 I don't know about my answer on that question.

19 I would like to have the reporter, if possible,
20 to start from when you said that you wanted to talk about
21 the initial part of the complaint, why the complaint
22 started.

23 Q. So the question was; I would like to turn your
24 attention to the first incident that forms the basis of
25 this complaint; that was the beginning.

RODRIGUEZ

Page 33

1 A. Yes, I want the reporter --

2 Q. I'm giving her the reference point.

3 A. Thank you.

4 (Whereupon, the referred to questions and
5 answers were read back by the Reporter.)

6 A. All right. Thank you.

7 Q. Okay. So I will repeat my question.

8 At what point did you notice there was a fire in
9 your cell?

10 A. I noticed there was a fire in my cell, when
11 Defendant Ferraro was knocking on the cell door.

12 Q. Was there smoke in your cell at that time?

13 A. Yes.

14 Q. Did you notice the smoke in your cell?

15 A. Yes, I was awoken. I was awoken when --
16 Defendant Ferraro knocked -- was knocking on the cell door.

17 Q. Is it your testimony that until Officer Ferraro
18 knocked on the door, you were asleep in your cell?

19 A. Sorry, can you rephrase the question.

20 Q. Is it your testimony today that until Officer
21 Ferraro knocked on your door on the date of this fire, you
22 were asleep in your cell?

23 A. No.

24 Q. Were you awake in your cell, when Defendant
25 Ferraro knocked on the door?

RODRIGUEZ

Page 34

1 A. Yes.

2 Q. Did you notice smoke in your cell, before
3 Defendant Ferraro knocked on the door?

4 A. Yes.

5 Q. Did you call for help, when you noticed the smoke
6 in your cell?

7 A. I don't recall.

8 Q. Was there a smoke alarm that went off, as a
9 result of the smoke in your cell?

10 A. No.

11 Q. What date did this incident occur on?

12 A. 8/31/20.

13 Q. What day of the week was that?

14 A. Monday.

15 Q. And at what time did the incident occur?

16 A. Approximately -- approximately 1800 hours.

17 Q. What facility did this incident occur in?

18 A. Manhattan Detention Center Complex. Manhattan
19 Detention Complex, 125 White Street.

20 Q. How long had you been living at M.D.C., prior to
21 this incident occurring?

22 A. I'm not sure.

23 Q. Was it more than one month?

24 A. I'm not sure.

25 Q. More than one week?

RODRIGUEZ

Page 35

1 A. Yes.

2 Q. More than two weeks?

3 A. I'm not sure when I arrived at Manhattan
4 Detention Complex.

5 Q. Where were you housed at Manhattan Detention
6 Complex?

7 A. Housing Unit 9 South.

8 Q. And what type of housing unit is 9 South?

9 A. I don't understand the question.

10 Q. Is Unit 9 South enhanced security housing?

11 A. I'm not sure what is that?

12 You said -- sorry, can you repeat the question --
13 enhanced what?

14 Q. Is Unit 9 South enhanced security housing?

15 A. Yes.

16 Q. What were you doing when you first noticed that
17 there was smoke in your cell?

18 A. I was standing by the door, the cell door,
19 waiting for the instructions by the officers.

20 Q. Were the officers already at the door, when you
21 first noticed the smoke?

22 A. Yes, all the defendants -- not all of the
23 defendants -- but most of the defendants were at the door,
24 yes.

25 Q. Did you try to put the fire out, yourself?

RODRIGUEZ

Page 36

1 A. By the time the defendants arrived, the fire was
2 already out.

3 Q. So did you put out the fire yourself?

4 A. Yes.

5 Q. Okay. How did you put it out?

6 A. I threw water on it.

7 Q. Did you have a radio in your cell at the time of
8 the fire?

9 A. I do not recall.

10 Q. Did you have batteries of any kind in your cell,
11 at the time of the fire?

12 A. I do not recall.

13 Q. How many officers responded to your cell, as a
14 result of the fire?

15 A. I would like -- to re-answer the last question
16 that you asked me.

17 Q. Okay?

18 A. Can you re-ask me, please.

19 MS. WEALL: Please read the question back.

20 (Whereupon, the referred to question was
21 read back by the Reporter.)

22 THE WITNESS: Thank you.

23 A. I want to re-answer the question.

24 I did not have no [SIC] radio in my cell and I
25 did not have no [SIC] batteries because all of my property

RODRIGUEZ

Page 37

1 was taken out of the cell; the only thing I had in the cell
2 was a mattress.

3 Q. When were your possessions taken out of the cell?

4 A. Between 10:00 -- between 9:00 and 10:00 a.m. that
5 same day.

6 Q. And why were your possessions taken out of your
7 cell?

8 A. I do not recall.

9 Q. Was it because of an infraction that you
10 received?

11 A. I do not recall.

12 Q. Now, you said that officers responded to your
13 cell, as a result of the fire; is that correct?

14 A. Yes, the defendants, yes.

15 Q. How many officers responded?

16 A. I'm not sure of the exact number.

17 Q. Okay. What are the names of the officers that
18 responded?

19 A. Is your question, initially?

20 Or -- who initially?

21 Q. We are talking about initially; when the officers
22 came to the door, who came to the door?

23 A. Okay. Initially Defendant Ferraro, Defendant
24 Galuzevskiy, Defendant Williams, Defendant Moise, along
25 with other officers.

RODRIGUEZ

Page 38

1 Q. How many other officers were there?

2 A. Between four and six other officers.

3 Q. Did you say anything to the officers?

4 A. What time are you referring to?

5 Q. When they came to your cell.

6 A. When they initially came up to my cell?

7 Q. Yes.

8 A. Or when they opened up the cell?

9 Q. When they initially came to your cell; that's
10 what we are talking about now, did you say anything to
11 them?

12 A. I do not recall if I said anything.

13 Q. Did the officers say anything to you?

14 A. No, they said something to each other.

15 Q. What did they say to each other?

16 A. Defendant -- Defendant Galuezuskiy told Defendant
17 Ferraro that, we got this, you can leave, we will take care
18 of him.

19 Q. Did they say anything else to each other?

20 A. I do not recall.

21 Q. All right. Now, did the officers open the door
22 to your cell at any time?

23 A. Yes.

24 Q. When the officers opened the door to your cell,
25 did you say anything to the officers?

RODRIGUEZ

Page 39

1 A. Yes, I pleaded with Defendant Galuezuskiy to stop
2 spraying me in the face with the fire extinguisher.

3 Q. We are talking about when the door initially
4 opened, did you say anything to the officers?

5 A. No. But when the door initially opened,
6 Defendant Galuzevskiy was spraying the fire extinguisher
7 inside, when the fire was already out.

8 And what I stated to -- when the door opened,
9 while he was spraying me in the face with the fire
10 extinguisher, I pleaded with him to stop spraying me in the
11 face with the fire extinguisher.

12 There was no fire. There still was no fire in
13 the cell.

14 Q. Was there still smoke in cell at that time?

15 A. Yes.

16 Q. Did the officers give you any orders?

17 A. Nope.

18 Q. Did the officers say anything to you?

19 A. Nope they told -- Defendant Galuezuskiy and
20 Defendant Williams -- Defendant Galuezuskiy told Defendant
21 Williams to, get me; like, get him, get him.

22 Q. Did you approach any of the officers, when they
23 came to your cell?

24 A. I had my hands directly in the air, in surrender
25 mode, with both of my palms facing them, and I started to

RODRIGUEZ

Page 40

1 walk towards them, to get out of the smoke -- to get away
2 from the smoke-filled cell.

3 Q. So if the cell was smoke filled, how would the
4 officers have known that the fire was out?

5 A. The cell was -- had smoke inside of it, but it
6 wasn't smoke filled to the point where I wasn't visible.

7 Q. But there was still smoke in the cell; is that
8 correct?

9 A. A little bit -- yeah, the smoke filled the cell,
10 but not black smoke where you could not visibly see in the
11 cell. You could see perfectly fine into the cell.

12 Q. Did you threaten the officers, when they came
13 into your cell?

14 A. No.

15 Q. Did you threaten other inmates, when the officers
16 came into your cell?

17 A. No.

18 Q. Did any of the officers attempt to put out the
19 fire?

20 A. There wasn't a fire to put out.

21 Q. But you said one of the officers was using a fire
22 extinguisher; is that correct?

23 A. Yes, as a weapon.

24 Q. What were the other officers doing, when the
25 officer was using the fire extinguisher?

RODRIGUEZ

Page 41

1 A. The other officers were standing around, not
2 doing anything, while Defendant Galuezuskiy was spraying me
3 in my face with the fire extinguisher.

4 I put my hands up in the air, I started to walk
5 towards the door, and that's when Defendant Williams, along
6 with another officer, both sprayed me with OC.

7 Q. At this time, did any of the officers give you
8 orders?

9 A. No.

10 Q. Did they tell you to stop moving towards them?

11 A. No.

12 Q. Were you ordered to leave your cell?

13 A. No.

14 Q. Was the fire extinguisher water based or chemical
15 based?

16 A. Sorry, I don't understand the question.

17 Q. Well, there are different types of fire
18 extinguishers; some use water, some use chemicals, which
19 type of fire extinguisher was this?

20 A. Water.

21 Q. And which of the officers sprayed you with pepper
22 spray?

23 A. Two officers spayed me at the same time,
24 including Defendant Williams.

25 Q. Had you refused to obey an order, prior to being

RODRIGUEZ

Page 42

1 sprayed with pepper spray?

2 A. No.

3 Q. Had you threatened --

4 A. Sorry, there were not any orders given to me.

5 Q. All right. Had you threatened an officer prior
6 to being sprayed with the OC spray?

7 A. No.

8 Q. Had you refused to leave your cell?

9 A. No.

10 Q. Had you interfered with the officers putting out
11 the fire in your cell?

12 A. There was no fire in the cell.

13 Q. Had you interfered with the officers
14 investigating whether there was a fire in your cell?

15 A. No.

16 Q. Were you eventually handcuffed?

17 A. I was handcuffed -- I was rear cuffed, which I
18 was not supposed to be, and, yes, I was rear cuffed, yes,
19 after getting -- after the defendants released excessive
20 force on me.

21 Q. Where were you, when you were handcuffed?

22 A. I was inside the cell.

23 Q. Had you resisted being handcuffed, prior to being
24 sprayed with pepper spray?

25 A. No.

RODRIGUEZ

Page 43

1 Q. What was your demeanor when the officers
2 attempted to handcuff you?

3 A. Compliant.

4 Q. Which officer handcuffed you?

5 A. Defendant Galuezuskiy.

6 Q. Did you ever tell Officer Galuezuskiy that you
7 were not supposed to be rear cuffed?

8 A. The Department of Corrections was provided and
9 the E.S.U. team requested a contraindications; basically
10 asking what type of cuffing procedures are allowed.

11 They requested that from medical and they were
12 provided of that. But it's not my job to basically tell
13 the officer what to do.

14 But they definitely -- the Department of
15 Corrections and the E.S.U., who basically was [SIC] all the
16 people who responded, all the defendants who responded,
17 were provided with contraindications to rear cuffing me
18 prior to this incident.

19 Q. It's your testimony you did not personally tell
20 the officer that you were not supposed to be rear cuffed;
21 is that correct?

22 A. Repeat the question, please.

23 Q. It is your testimony, you did not personally tell
24 the officer that you were not supposed to be rear cuffed;
25 is that correct?

RODRIGUEZ

Page 44

1 A. I do not recall if I told him that or not.

2 Q. Were you eventually removed from your cell?

3 A. Yes.

4 Q. Were you taken somewhere else, after you were
5 removed from your cell?

6 A. Yes.

7 Q. Where were you taken?

8 A. I was taken to an area outside of the housing
9 area, and left on the wall to burn.

10 Q. Who took you outside of your cell, to the wall?

11 A. The defendants in question.

12 Q. Which one of the defendants?

13 A. I believe it was Defendant Galvezuskiy.

14 Q. So there was only one officer; is that correct?

15 A. No, there were multiple officers.

16 Q. All right. Who were the other officers?

17 A. Defendant Williams, Defendant Moise, among other
18 officers who were in the area.

19 Q. Did they say anything to you, when they were
20 moving you from your cell to that area near the wall?

21 A. You are asking me if I said anything to them?
22 Or them to me?

23 Q. No. Did they say anything to you?

24 A. In that particular area?

25 Q. While they were moving you from your cell to the

RODRIGUEZ

Page 45

1 area near the wall that you described, did they say
2 anything to you?

3 A. I don't recall.

4 Q. Did you say anything to them?

5 A. Yes.

6 Q. What did you say?

7 A. I asked them, when will I be decontaminated?

8 And, in response to that, I was told to, shut up,
9 and they tightened the cuffs more.

10 Q. Did you request any medical treatment at any
11 point?

12 A. While I was escorted to the decontamination pen,
13 I was threatened by the officers, I'm not sure which
14 officer it was, or if it was one of the defendants, but it
15 had to be an officer, because there's nobody else escorting
16 me but the officers as well as the defendants, and I was
17 told to deny medical, or else.

18 Q. Did you ever request medical attention?

19 A. Yes, I requested medical attention while I was
20 decontaminating. And I was -- Defendant Gibson was in
21 charge of providing me medical attention, she did not
22 provide me medical attention for over five hours. I was
23 left in the decontamination shower for over five hours.

24 And, because of it, the investigation, they gave
25 a facility referral. Because I was supposed to be provided

RODRIGUEZ

Page 46

1 medication attention quicker.

2 Q. When you say Defendant Gibson was responsible for
3 giving you medical attention, is she a medical
4 professional?

5 A. She is responsible for providing medical
6 attention.

7 Q. What do you mean by that?

8 A. She was the area supervisor; so the area
9 supervisor is in charge if there's an injury, the area
10 supervisor is in charge and basically responsible for
11 providing adequate medical care.

12 Q. But when you say, providing medical care, it
13 sounds like you were referring to a doctor or a nurse; was
14 this officer responsible for actually tending to your
15 physical injuries?

16 A. The officer -- sorry, the captain, captain --
17 Defendant Gibson, was in charge of making sure that I am
18 provided medical care; that's her responsibility.

19 Q. Were you taken to the clinic?

20 A. I was taken to the clinic, after more than five
21 hours.

22 Q. And what were your specific medical complaints?

23 A. I was told by Defendant Gibson, that if I -- if I
24 deny [SIC] -- if I denied [SIC] medical care, I would be
25 provided my property back.

RODRIGUEZ

Page 47

1 And she reminded me of -- no, no -- sorry -- she
2 said that if I don't deny medical care, I would not be
3 given my property back.

4 And after the threats from the other defendants
5 earlier, when they brung [SIC] me to the -- to the
6 decontamination pen, when they stated that -- deny medical,
7 or else, I basically went to clinic, and I never saw the
8 doctor, I never signed any refusal form. Defendant Gibson
9 went up to the doctor and told the doctor that I'm okay.

10 Q. Did you verbally refuse medical care at any
11 point?

12 A. Yes, I told the doctor that I was okay.

13 Q. Okay.

14 A. I never -- I never refused medical; all I told
15 the doctor was, that I was okay. He never asked me if I
16 wanted to be provided medical attention.

17 And, basically, Defendant Gibson coached him into
18 how to fill out the forms or whatever process they must do.

19 Q. Which officer escorted you to the clinic?

20 A. I was escorted by Defendant Gibson.

21 Q. And did Captain Gibson stay with you while you
22 were being treated?

23 A. Like I stated, I was never treated nor did I sign
24 any --

25 Q. Did she stay with you while you were at the

RODRIGUEZ

Page 48

1 clinic?

2 A. Yes.

3 Q. Okay.

4 A. I wasn't in the clinic very long.

5 I was in the clinic for about 30 seconds.

6 Q. Was this the first time a fire had ever broken
7 out in your cell?

8 A. I do not recall.

9 Q. How many times in total has a fire broken out in
10 your cell?

11 A. I don't remember.

12 Q. More than once?

13 A. I don't remember.

14 Q. In the 24 hours before the fire, did you consume
15 any alcohol?

16 A. Sorry? Can you rephrase the question and be
17 specific, please.

18 Q. It's a very specific question.

19 In the 24 hours before the fire in your cell, on
20 the date of this incident, did you drink any alcohol?

21 A. I do not recall.

22 Q. Did you take any drugs, in the 24 hours before
23 the fire?

24 A. I do not recall.

25 Q. As of August 31, 2020, were you taking any

RODRIGUEZ

Page 49

1 medications that affected your memory?

2 A. I don't remember if I was on my medications.

3 Q. As of August 31, 2020, did you have any kind of
4 condition that affected your memory?

5 A. Can you rephrase the question.

6 Q. As of August 31, 2020, did you have any kind of
7 illness that affected your memory?

8 A. I do not recall.

9 Q. Where were you taken, after you were taken to the
10 clinic?

11 A. I was escorted by Defendant Gibson to the same
12 exact cell that I was in which was still -- had smoke
13 remnants in it, OC spray all over, and I was never -- the
14 cell was never cleaned or decontaminated.

15 And I was basically given my property as a gift
16 for not -- I guess not being able to be provided medical.

17 I was never given any cleaning supplies to clean
18 up the cell or the walls or anything, and it was still
19 filled with smoke.

20 Q. Did you have any injuries as a result of the
21 events that you have just described?

22 A. Can you be specific on what type of injuries are
23 you referring to?

24 Q. Any injuries.

25 A. I had multiple injuries.

RODRIGUEZ

Page 50

1 Q. Could you tell us what those injuries were.

2 A. I had complications and agitation of my diagnosed
3 asthma condition. I had numbness of my wrists. And pain
4 in my body. Shoulder pain as well. I had pain in my eyes.
5 I had reduced vision, as well as fuzzy vision. Nightmares.
6 Anxiety. Depression. Insomnia. PTSD.

7 Q. For how long did the problems with your vision
8 last?

9 A. Still to this day. And because of that incident,
10 I was prescribed -- I was prescribed corrective lenses.

11 Q. Had you been prescribed corrective lenses, before
12 this incident?

13 A. No.

14 Q. Were any of the injuries that you have discussed,
15 visible injuries?

16 A. Yes.

17 Q. What were those injuries?

18 A. I had a lot of scratches on my wrists.

19 I had redness from them utilizing excessive OC
20 spray. My eyes were really red. I [SIC] could be seen
21 that I was -- experiencing depression and anxiety and
22 stress.

23 Q. Is this the only time that OC spray was used on
24 you when you were in Department of Corrections custody?

25 A. No.

RODRIGUEZ

Page 51

1 Q. How many times has OC spray been used on you?

2 A. I do not recall.

3 Q. More than twice?

4 A. I'm not sure.

5 Q. But it's more than once; is that correct?

6 A. Yes, even though that the defendants were
7 provided contraindications from CO house services stating I
8 cannot -- that they cannot utilize OC spray on me.

9 And they were provided that documentation, they
10 requested that documentation from medical, prior to them
11 using OC spray on me.

12 Q. Did you ever receive a formal diagnosis of any of
13 the conditions that you have just said were your injuries
14 from this incident?

15 A. Can you rephrase the question.

16 Q. All right. You have mentioned several specific
17 injuries that you received as a result of this incident,
18 such as anxiety, depression, PTSD; have you ever received a
19 formal diagnosis from a medical professional of any of
20 those injuries?

21 A. Did I receive it -- prior, or after; that's the
22 question you are asking me?

23 Q. My question now is; after this incident, did you
24 receive these diagnoses?

25 A. No, these -- these were diagnoses [SIC] that I

RODRIGUEZ

Page 52

1 basically had before, that were increased because of the
2 incident. But some of them, some of the -- basically, the
3 things I experienced emotionally were brought upon, like
4 nightmares, as well as PTSD.

5 Because I was never like that.

6 Q. Okay. And were you formally diagnosed with PTSD?

7 A. No. Formerly, like afterwards?

8 Or prior to the incident?

9 Q. Well, prior to the incident, had you ever been
10 diagnosed with PTSD?

11 A. No.

12 Q. And after the incident, were you ever diagnosed
13 with PTSD?

14 A. I believe I was.

15 Q. When was that?

16 A. I can't say. I don't know.

17 Q. Who diagnosed you?

18 A. It had to be a medical professional.

19 Q. Where did you see that medical professional?

20 A. Manhattan Detention Complex.

21 I seen -- mental health, multiple times, in
22 regard to this.

23 Q. When you say, multiple times, how many times did
24 you see them?

25 A. More than -- twice.

RODRIGUEZ

Page 53

1 Q. More than five times?

2 A. Yes.

3 Q. More than ten times?

4 A. In regard to the incident?

5 Q. In regard to the incident.

6 A. I don't know more than five times.

7 Q. All right. Now, you said you had some marks on
8 your wrists from the handcuffs; is that correct?

9 A. Yes, as well as pain and numbness in both of
10 them; so one had a lot of pain and one had none, so I could
11 not feel it for months.

12 Q. How long did it take, the pain and numbness, to
13 heal?

14 A. It never did. And I received physical therapy
15 for that to try to get the feeling back.

16 Q. And how long did you receive physical therapy
17 for?

18 A. I was receiving physical therapy up until the
19 date that I was discharged from the Department of
20 Corrections and given to DOCCS.

21 Q. Now, other than what we have just discussed, have
22 you sought any additional treatment for any of the injuries
23 you claim occurred as a result of this incident?

24 A. To the best of my knowledge, no.

25 Q. Do you currently have any physical injuries

RODRIGUEZ

Page 54

1 stemming from the incident on August 31, 2020?

2 A. I am still experiencing reduced vision; so, like
3 I'm wearing today, I'm wearing my corrective lenses that I
4 was issued after, as a result of this complaint.

5 I'm still receiving mental health.

6 And, yes, that's basically it.

7 Q. So, as to your physical injuries, have they
8 gotten better?

9 A. They have not.

10 Q. Have they gotten worse?

11 A. I'm still struggling with the same pain for
12 years.

13 Q. But has it gotten worse?

14 A. Yes, it didn't get any better.

15 Q. But did it stay the same, or did it get worse?

16 A. I can't say for sure.

17 Q. Do you currently have any psychological injuries
18 stemming from the incident on August 31, 2020?

19 A. Yes.

20 Q. And what are those injuries?

21 A. I have basically PTSD and severe paranoia.

22 Q. And have those injuries gotten better?

23 A. As well as -- I still have nightmares and
24 anxiety. I still get depression when I review this case,
25 and sometimes I can't sleep at night because of it.

RODRIGUEZ

Page 55

1 Q. Have any of these injuries gotten better?

2 A. No, they have not.

3 Q. Have they gotten worse?

4 A. Yes.

5 Q. I would like to turn your attention to the second
6 incident that forms the basis of the lawsuit; that's the
7 date you claim Officer Galuezuskiy first approached your
8 cell.

9 MS. WEALL: And just for the court reporter,
10 that name is Galuzevskiy, spelled,
11 G-A-L-U-Z-E-V-S-K-I-Y.

12 Q. Now, you claim Officer Galuezuskiy approached
13 your cell on several different occasions.

14 What date did he first approach your cell?

15 A. I was approached by Defendant Galuzevskiy on
16 December 4, 2020 between the hours of 4:45 p.m. and 5:30
17 p.m. And he came to my cage area, asked me if I was suing
18 him; I told him, no, out of fear of retaliation.

19 Q. All right. Now, where did this incident occur;
20 in what facility?

21 A. Manhattan Detention Complex and -- in housing
22 area 9 South.

23 Q. How long had you been living at Manhattan
24 Detention Complex, prior to this incident occurring?

25 A. Maybe a little before the date of incident.

RODRIGUEZ

Page 56

1 Q. By, a little before, you mean, one week?

2 A. I can't say; I'm not sure.

3 Q. And what exactly did Officer Galuzevskiy say to
4 you?

5 A. When? When are you asking me what he said?

6 Q. On this date we're talking about now, December
7 4th.

8 A. He asked me if I was suing him.

9 Q. And did he say anything else?

10 A. No, no. He -- didn't say anything else; to the
11 best of my knowledge.

12 Q. Did you say anything to him at that time?

13 A. I told him, no; out of fear of retaliation.

14 Q. And how do you know it was Officer Galuzevskiy
15 that approached you?

16 A. Because his badge number said 8957.

17 Q. Can you describe the officer to us.

18 A. White male, six feet tall -- between six feet,
19 six-one. Basically -- possibly Eastern European descent;
20 that's basically the best description, but his badge number
21 said 8957.

22 Q. Who else was in the area when Officer Galuzevskiy
23 approached you?

24 A. I don't recall.

25 Q. All right. Were there other people in the area,

RODRIGUEZ

Page 57

1 when Officer Galuzevskiy approached you?

2 A. I do not recall.

3 Q. What were you doing at the time Officer
4 Galuzevskiy approached you?

5 A. I was out -- standing outside -- I was standing
6 in the cage area, I guess just awaiting a service or
7 whatever.

8 Q. When did you file your initial complaint in this
9 action?

10 A. Repeat the question, please.

11 Q. When did you file your initial complaint in this
12 action?

13 A. I filed the complaint -- or the complaint was
14 filed by the court on November 20, 2020.

15 Q. And in that first complaint, did you name Officer
16 Galuzevskiy by name?

17 A. No.

18 Q. Why not?

19 A. I did not name him by name because all I had was
20 his badge number. I did not know his name.

21 Q. Did you know him by badge number, in that initial
22 complaint?

23 A. No.

24 Q. Why not?

25 A. Because I wanted to make sure I had the proper

RODRIGUEZ

Page 58

1 person.

2 Q. Now, why would Officer Galuzevskiy have thought
3 you were suing him, if you did not name him by name or by
4 badge number in your first complaint?

5 A. I was having a conversation, I believe, or I
6 think he overheard me having a conversation earlier, about
7 basically possibly filing a complaint -- or filing a
8 complaint -- with another individual.

9 Q. And when did that conversation take place?

10 A. Some time during that day.

11 Q. And did you say Officer Galuzevskiy's name during
12 that conversation?

13 A. No.

14 Q. So how would he know that you were referring to
15 him?

16 A. I believe he overheard the situation and he -- he
17 probably put two and two together, that the situation that
18 I was referring to when I was speaking about the incident
19 and possibly filing -- and filing the complaint; he
20 probably knew I was referring to him.

21 Q. All right. We've been going for an
22 hour-and-a-half, a little more; is it a good time to take a
23 ten-minute break?

24 A. You're the boss?

25 Q. All right.

RODRIGUEZ

Page 59

1 MS. WEALL: Is that all right with the
2 reporter?

3 COURT REPORTER: Yes.

4 MS. WEALL: So we will take a ten-minute
5 break. Let's be back at 11:48 a.m.

6 (Whereupon, a ten-minute recess was taken.)

7 EXAMINATION CONTINUED BY

8 MS. WEALL:

9 Q. Ready to proceed?

10 Mr. Rodriguez, I just want to go back for a
11 moment to the first --

12 A. Excuse me, the counselor is not back.
13 The officers said the counselor is not back yet.
14 We have to wait for the counselor to get back.

15 Q. Who?

16 A. The counselor to get back.
17 She's not back yet.
18 The officer said the counselor is not back yet.
19 We have to wait for the counselor to come back
20 first.

21 Q. All right.

22 A. Okay, ready to proceed if you are?

23 Q. Okay. So, Mr. Rodriguez, I want to go back for a
24 moment to the first incident that we discussed today was
25 with the fire, the smoke condition in your cell.

RODRIGUEZ

Page 60

1 You mentioned a couple of times that the officers
2 used excessive force on you; what is the excessive force
3 that you claim the officers used?

4 A. Basically, they utilized OC spray when I -- not
5 at all did I ever threaten them or threaten to use harm
6 against them or try to use harm against them or tried to
7 attack them in whatever manner.

8 They basically utilized excessive force because
9 there was no need to use force at all.

10 And, basically, it was excessive force because
11 Defendant Galuzevskiy sprayed me in my face with the fire
12 extinguisher, all while two other officers sprayed me with
13 OC spray, knowing that they were given and they requested
14 and were given contraindication from correctional health
15 services, stating that they cannot -- that OC spray is not
16 permissible to use against me because of my -- diagnosed
17 conditions.

18 Q. Is there any other excessive force that you are
19 claiming happened on that day?

20 A. Can you repeat the question, again.

21 Q. Do you claim that any other excessive force was
22 used against you on that day?

23 A. Other than that, and them -- other than that and
24 the defendants basically tightening the cuffs
25 unnecessarily, no.

RODRIGUEZ

Page 61

1 Q. Okay. So I want to go back now to the incident
2 in your second amended complaint where you allege that
3 Officer Galuzevskiy approached you.

4 We have already discussed the incident on
5 December 4th.

6 In your second amended complaint you allege that
7 Officer Galuzevskiy approached you two more times; is that
8 correct?

9 A. That is correct.

10 Q. When was the second time that Officer Galuzevskiy
11 approached you?

12 A. The second time Defendant Galuzevskiy approached
13 me was on December 15th, 2020, around, I believe, 7:00 p.m.

14 I was in the shower at the time. He approached
15 me. He basically told me that if I don't drop the lawsuit,
16 I will be deadlocked or kept locked in my cell, and like
17 basically not going to be fed or -- (indicating) -- like I
18 have to stay in the cell and not come out.

19 Q. All right. And at that time, had you named
20 Officer Galuzevskiy in a lawsuit?

21 A. Can you repeat the question.

22 Q. Okay. At the time of December 15, 2020, the
23 second incident where Officer Galuzevskiy allegedly
24 approached you, at that time, had you sued him in a
25 complaint in a lawsuit?

RODRIGUEZ

Page 62

1 A. Have I ever sued him in a complaint in the
2 lawsuit?

3 Q. At the time of this incident as of December 15,
4 2020, had you named him in your complaint?

5 A. No, but I knew his badge number, and I knew what
6 he looked like.

7 Q. But you had not named him in a complaint either
8 by name or by badge number?

9 A. I did not name him in the complaint by name or
10 badge number, but I knew who he was, and I had an
11 infraction that was given to me which he was named in.

12 Q. And what were the circumstances of that
13 infraction?

14 A. It was -- sorry -- you said, what were the
15 circumstances? Why was it written?

16 Q. Of the infraction?

17 A. Yes, explain what you mean, what were the
18 circumstances?

19 Q. What caused the infraction to be written?

20 A. Allegedly they stated that I did not follow
21 direct orders, and that I did a fire.

22 But the infraction was -- thrown away for Due
23 Process Violation, and, upon review of the video footage,
24 the adjudication captain basically dismissed all the
25 charges.

RODRIGUEZ

Page 63

1 Q. When was that infraction issued?

2 A. I do not recall.

3 Q. Did that infraction pertain to the original
4 incident that we discussed with the fire in your cell?

5 A. Sorry, I think I will answer the question,
6 basically, the infraction question.

7 I have it right here. (Indicating.)

8 The infraction, I'm reviewing it right now --
9 what's the question -- can you repeat the question for the
10 infraction, please.

11 Q. That infraction, when it was issued?

12 A. I don't know when the infraction was issued.

13 I know that the disposition date -- I mean, the
14 date and time of the hearing was on 9/6/20.

15 Q. Okay.

16 A. Yes, 9/6/20, 9/8/20 -- sorry -- it's scribbled
17 over here -- let me look. Oh, sorry, yes, 9/16.

18 It's two different dates on this paper, but --
19 the disposition was given to me on 9/15/20. That's when
20 the adjudication captain rendered her decision.

21 But the hearing was on 9 -- either 9/6 or 9/8/20;
22 so that's when I was able to review the video footage as
23 well as the officers who were involved by the adjudication
24 captain named Captain Philips.

25 The basis of her finding was DPV and --

RODRIGUEZ

Page 64

1 basically, Due Process Violation. Her thing was that it
2 was late.

3 Q. What did that infraction relate to, what
4 incident?

5 A. The incident of -- that's mentioned in this
6 complaint.

7 Q. So it did relate to the first incident that we
8 discussed today?

9 A. Yes. The imaginary fire incident -- alleged fire
10 incident.

11 Q. The one that caused the real smoke in your cell.

12 A. (No response.)

13 Q. Now, on December 15, 2020, when Officer
14 Galuzevskiy approached you in the shower, who else was in
15 the area?

16 A. There were other officers in the area; I do not
17 know their name.

18 Q. Were there other inmates in the area?

19 A. There were other inmates in the housing area;
20 but, in that particular area, no, not that I'm aware of.

21 Q. Now, you said that Officer Galuzevskiy asked if
22 you were suing him. What else did he say to you?

23 A. Did I answer that question already?

24 Q. I want to know exactly what he said to you; if
25 there was anything else that he said to you.

RODRIGUEZ

Page 65

1 A. Anything else, other than what I stated in the
2 prior time you asked me the same question?

3 Q. Yes. It's not the same question.

4 I'm asking you to follow up and give me
5 additional information; if there is any.

6 Did he say anything else to you?

7 A. He stated that if I didn't drop the lawsuit, that
8 I will be deadlocked in my cell.

9 Q. And what does it mean to be deadlocked in your
10 cell?

11 A. Keep locked. Basically staying in the cell, not
12 able to leave and go to no services.

13 Would you like for me to answer the date the
14 infraction was written because I have the infraction right
15 here?

16 Q. What was the date the infraction was written?

17 A. The infraction was written on 8/31/20.

18 Q. Okay.

19 A. And it was issued to me on 9/3/2020.

20 And he said that, Officer -- Defendant Ferraro
21 was the reporting official that wrote the infraction.

22 And he stated that approximately at 1800 hours,
23 he observed a flickering light, and it appeared to have
24 been flames. He went to retrieve a fire extinguisher and
25 began to put out the fire from the food slot.

RODRIGUEZ

Page 66

1 At this time, Defendant Moise instructed the
2 rider to relinquish the fire extinguisher to Galuezuskiy,
3 who continued to put out the fire.

4 Once Inmate Rodriguez cell was open, while
5 officer continued to extinguish the fire, Inmate Rodriguez
6 advanced towards E.S.U. which in turn caused Officer
7 Williams to utilize a one, two second burst of chemical
8 agent to the inmate's facial area. The chemical agent took
9 a desired effect.

10 The inmate placed his hands behind his back,
11 complied with E.S.U. staff, ordered to exit the housing
12 area, and later escorted to the housing intake to
13 decontamination process without further incident.

14 Q. Thank you.

15 A. Basically what the adjudication captain wrote on
16 this is --

17 Q. That's not important.

18 A. -- how the fire was started.

19 Q. That's not important.

20 A. Sorry?

21 Q. That's not important.

22 All I asked for is the date of the infraction.

23 A. Okay. No problem.

24 Q. You are not responding to my question.

25 Getting back to the 15th of December.

RODRIGUEZ

Page 67

1 When Officer Galuzevskiy said you would be
2 deadlocked in your cell, what did you say to him?

3 A. I didn't say anything.

4 Q. And you allege that Officer Galuzevskiy
5 approached you a third time; isn't that correct?

6 A. That is correct.

7 Q. When was the third time that he allegedly
8 approached you?

9 A. The third time he approached me was on --
10 December 18th, 2020 between 6:40 and 6:50.

11 Q. And where did he allegedly approach you on that
12 date?

13 A. He approached the cage that I was in.

14 Q. Who else was in the area when Officer Galuzevskiy
15 approached you?

16 A. Officers, inmates.

17 Q. Which officers were there?

18 A. I don't recall.

19 Q. Which inmates were in there?

20 A. Whatever other inmates were housed in the housing
21 area?

22 Q. How many other inmates were there?

23 A. I don't know how many other inmates were housed
24 in the area; it could have been between 10 and 15 other
25 inmates housed in that same housing area?

RODRIGUEZ

Page 68

1 Q. Who was close by, when Officer Galuzevskiy
2 approached you?

3 A. Sorry? Who? Like as an officer? As an inmate?

4 Q. First, officers, then, inmates; let's do it that
5 way.

6 A. I don't know the names of the officers that --
7 who were around him. And I don't know the name of the
8 inmate that was next door to me.

9 Usually inmates don't go by names, they go by
10 nicknames, so I don't know his real name, so --

11 Q. What was his nickname?

12 A. Rory.

13 Q. What were you doing at the time Officer
14 Galuzevskiy allegedly approached you?

15 A. I was having a conversation with the other inmate
16 mentioned.

17 Q. And did he say anything to you, Officer
18 Galuzevskiy?

19 A. He came towards the cell cage area and he was
20 pointing and he basically like -- was pointing towards the
21 cell; he was like, while I'm here, you stay in your cell.

22 Q. Did he say anything else?

23 A. To the best of my knowledge, I'm not sure what
24 else he said; but I know he definitely pointed at my cell,
25 he said, while I'm here, you stay in your cell.

RODRIGUEZ

Page 69

1 Q. Did you say anything to Officer Galuzevskiy?

2 A. No.

3 Q. Now, at some point you amended your complaint in
4 this case for the first time; is that correct?

5 A. Yes.

6 Q. Did you name Officer Galuzevskiy by name in that
7 first amended complaint?

8 A. Yes.

9 Q. And did you include the information about the
10 three incidents we just talked about in the first amended
11 complaint?

12 A. Can you repeat the question.

13 Q. Did you include the information about the three
14 incidents we just talked about in your first amended
15 complaint?

16 A. Yes.

17 Q. And when was that complaint filed?

18 A. What complaint was filed on 2/9/21.

19 Docket No. 30.

20 Q. All right. And isn't it true that there was a
21 previous amended complaint, before that second amended
22 complaint was filed in February?

23 A. Sorry, repeat the question?

24 Q. The complaint you just mentioned, the one filed
25 in February 2021, that was the second amended complaint.

RODRIGUEZ

Page 70

1 There was a first amended complaint before that,
2 that was filed in December of 2020, December 21st.

3 Did you include the information about the three
4 incidents we just talked about, in the first amended
5 complaint?

6 A. I'm not sure.

7 I don't have that complaint with me.

8 Q. Okay. Did you file a grievance concerning any of
9 the alleged incidents with Officer Galuzevskiy?

10 A. I'm not sure. I believe I did; but I can't say
11 for sure, but I believe I did.

12 Q. And what was the result of that grievance?

13 A. There was a lot of grievances filed during that
14 time for other incidents that were occurring in that
15 housing area. We were not getting no -- no answers on none
16 of the grievances.

17 Q. I want to discuss another incident that you
18 complained to the court about.

19 You complained to the court of another incident
20 that allegedly occurred in March of 2021; isn't that
21 correct?

22 A. Yes.

23 Q. What was the date of that alleged incident?

24 A. 3/25/21.

25 Q. At what time did that alleged incident take

RODRIGUEZ

Page 71

1 place?

2 A. I don't have the exact time written down because
3 I submitted it to the court, I could not make any copies of
4 it; but I know that's the date the incident occurred with
5 Defendant Williams.

6 Q. What are you alleging happened?

7 A. I allege that Defendant Williams approached the
8 cage, threatened me, and said some weird things about the
9 incident.

10 Q. What exactly did Officer Williams say?

11 A. I don't have that paper with me.

12 Because I submitted it to the court and I don't
13 have that -- that transcript to go back.

14 I had lost a lot of paperwork when I came up, so
15 I don't have it exactly written down.

16 Q. But, according to your memory, what did the
17 officer say to you?

18 A. Basically, he approached me and he was talking in
19 reference to the case and like threatening me.

20 Q. What did he say to threaten you?

21 A. Like I stated, I don't have the documents that I
22 submitted to the court, nor -- nor the phone call that I
23 called the court, the message that I left on the court's
24 phone number, so -- (Indicating.)

25 Q. But according to your memory, what was the

RODRIGUEZ

Page 72

1 threat?

2 A. Basically, it was something in reference to the
3 case, and in reference to Galuzevskiy, and that's why I
4 called the court and spoke to -- spoke to the court about
5 it, to let them know what was going on.

6 Q. But what do you recall the threat being?

7 A. I -- I don't recall what exactly was stated.

8 Q. Where did this incident take place?

9 A. The same place that the incident in the complaint
10 occurred.

11 Q. Where were you housed in March of 2021?

12 A. I was housed in Manhattan Detention Complex,
13 Housing Unit 9 South.

14 Q. All right. And where within Manhattan Detention
15 Complex Housing Unit 9 South, did this incident occur?

16 A. The same exact area where all the other incidents
17 of harassment occurred; Cell No. 3, Cage No. 3.

18 On that date, on that date that I referred to, he
19 can be seen also approaching me on camera.

20 Q. And did you say anything to him?

21 A. I do not recall.

22 Q. Was anyone else in the area when Officer Williams
23 allegedly approached you?

24 A. There were other officers in the area; I don't
25 remember their names.

RODRIGUEZ

Page 73

1 Q. Were there other inmates there?

2 A. I don't remember how many inmates were there, but
3 there were other inmates in the housing area.

4 I wasn't the only inmate in that housing area.

5 Q. Were there any in close proximity to your cell?

6 A. I don't recall.

7 Q. Did you amend your complaint to include this
8 incident?

9 A. No.

10 Q. Why not?

11 A. Because I didn't.

12 Q. Did you file grievances concerning this incident?

13 A. With the court.

14 Q. With Department of Corrections, did you file any
15 grievances?

16 A. I don't recall. I don't remember if I did.
17 It's possible?

18 Q. What damages are you claiming in this case?

19 A. Can you repeat the question.

20 Q. What damages are you claiming in this case?

21 A. Sorry? I object.

22 It's repetition.

23 It's been asked and answered already.

24 Q. It has not.

25 I'm asking what you say your damages are?

RODRIGUEZ

Page 74

1 A. What damages are you referring to?

2 Physical damages? Emotional damages?

3 Q. Physical, emotion, financial; anything that you
4 are claiming.

5 A. Basically I suffer physical and emotional
6 damages; like agitation of my asthma condition, numbness,
7 pain in the wrists, pain in the eyes, fuzzy vision, reduced
8 vision, nightmares, anxiety, depression, insomnia, Post
9 Traumatic Stress.

10 Q. Have you sought medical treatment for the
11 aggravation of your asthma, as a result of this incident?

12 A. Yes, multiple times.

13 Q. Have you spent any money on attorneys' fees, as a
14 result of the incidents we have discussed today?

15 A. Only fees in regard to mailing out particular
16 documents.

17 Q. So have you spent any money on attorneys' fees,
18 as a result of these incidents?

19 A. Sorry, can you rephrase the question.

20 Q. Have you paid for a lawyer, as a result of any of
21 the incidents we have discussed today?

22 A. Are you referring to just this complaint?

23 Or are you referring to any?

24 Q. Just this complaint. Just this complaint.

25 A. No.

RODRIGUEZ

Page 75

1 Q. Okay.

2 A. No, I have not spent my money on any attorneys.

3 Q. All right. And when you spoke about the money
4 that you spent on mailing things out, are you referring to
5 postage?

6 A. Yes.

7 Q. Did you have any surgery for any of your injuries
8 that you allege happened as a result of the incidents we
9 talked about today?

10 A. No.

11 Q. All right. And you said that a doctor told you
12 that you needed physical therapy as a result of one of the
13 injuries; is that correct?

14 A. I received physical therapy because of the
15 injuries I sustained.

16 Q. So does that mean that a doctor did not tell you
17 that you needed physical therapy?

18 A. He did tell me and he put in a -- they basically
19 -- he put in a medical report so that I can -- he put in a
20 referral to get me physical therapy for the damages that I
21 sustained.

22 Q. How many physical therapy sessions did you have?

23 A. Two or more.

24 Q. More than ten?

25 A. Less than ten.

RODRIGUEZ

Page 76

1 Q. More than five?

2 A. Yes.

3 Q. Were you prescribed any medication to treat any
4 of the injuries you allege you got as a result of the
5 incidents we talked about today?

6 A. Yes.

7 Q. What medication were you prescribed?

8 A. I was prescribed multiple medications, including
9 ibuprofen for the pain.

10 I was given lotion to relieve the burning from
11 the OC sprays.

12 I was given -- I was given glasses for reduced
13 vision.

14 I was given physical therapy, as well as --
15 psychotropic medications to deal with the emotional
16 injuries.

17 Q. What psychotropic medicines were you prescribed?

18 A. I'm not sure of the name of the medication.

19 Q. Did you actually take that medication?

20 A. Yes.

21 Q. For how long did you take the psychiatric
22 medication?

23 A. Sorry, can you rephrase the question.

24 Q. You said that you took psychiatric medication
25 that was prescribed to you as a result of the incidents

RODRIGUEZ

Page 77

1 that we discussed today; for how long did you take it?

2 A. I took it for quite possibly another year or so.

3 Q. But you don't recall what that medication was?

4 A. No.

5 Q. How long did you take the ibuprofen that you
6 mentioned?

7 A. For a long time.

8 Q. And how long is, a long time?

9 A. Over a year.

10 Q. How many times per day did you take it?

11 A. Twice a day.

12 Q. All right. What about the lotion; how long did
13 you use the lotion for?

14 A. Maybe a couple of days.

15 Q. Do you continue to experience pain today?

16 A. Emotional pain? Yes.

17 Physical pain? Yes.

18 Q. Did you sustain any other physical injuries, that
19 we have not discussed?

20 A. To the best of my knowledge, no.

21 Q. All right. Are you currently under medical care
22 for the injuries you allege from this incident?

23 A. No, but I am seeking it.

24 Q. What kind of medical care are you seeking?

25 A. I am requesting to continue the physical therapy

RODRIGUEZ

Page 78

1 that I was receiving on the island, on Rikers Island.

2 Q. And are you seeking any other medical care for
3 the injuries you allege from this incident?

4 A. And also, mental healthcare.

5 Q. Anything else?

6 A. No. I'm still getting -- I still have the asthma
7 condition that I'm facing as well; that I still get
8 medication for.

9 Q. When were you first diagnosed with asthma?

10 A. The beginning of my -- I was diagnosed with
11 asthma when I entered corrections -- Department of
12 Corrections, Rikers Island, Department of Corrections, but
13 prior to that I was -- receiving treatment for it.

14 Q. And when did you start receiving treatment for
15 it?

16 A. From a child.

17 Q. Now, concerning the emotional problems that you
18 claim you have experienced as a result of the incidents we
19 have discussed today, you mentioned you have nightmares,
20 what other symptoms do you have?

21 A. Panic stress disorders, anxiety, depression.

22 Q. Those are diagnoses.

23 What symptoms do you have?

24 A. Paranoia, sadness, among other things.

25 Q. Did you experience any of these things, before

RODRIGUEZ

Page 79

1 August 31, 2020?

2 A. Not that I'm aware of.

3 Q. Had you ever had psychiatric treatment before
4 August 31, 2020?

5 A. Yes, I have.

6 Q. All right. For how long had you had psychiatric
7 treatment before August 31, 2020?

8 A. For years.

9 Q. How many years?

10 A. 20 years.

11 Q. And for what diagnosis were you being treated for
12 those 20 years?

13 A. ADHD.

14 Q. Anything else?

15 A. Bipolar Disorder.

16 Q. Anything else?

17 A. No.

18 Q. Are you currently undergoing therapy?

19 A. Physical therapy or -- what kind of therapy are
20 you referring to?

21 Q. No, psychiatric therapy?

22 A. Yes.

23 Q. How often do you have therapy?

24 A. I had a therapy appointment today; it was my
25 initial one upon entering DOCCS, and I had to come here

RODRIGUEZ

Page 80

1 because this trumped it.

2 Q. And prior to that, when was the last time you saw
3 someone for therapy?

4 A. Elmira Correctional Facility.

5 Q. How many times did you see someone for therapy at
6 Elmira Correctional Facility?

7 A. Maybe three times, maybe three or four times.

8 Q. And did you also seek therapy when you were in
9 New York City Department of Corrections custody?

10 A. Yes.

11 Q. How often did you receive therapy?

12 A. Once a week, once every other week.

13 Q. Over what period of time?

14 A. During the duration of my incarceration.

15 Q. And has therapy helped you cope with your alleged
16 emotional injuries?

17 A. No.

18 Q. Besides ADHD and Bipolar Disorder, have you ever
19 been diagnosed with a mental illness prior to August 31,
20 2020?

21 A. I do not recall.

22 Q. Were you in therapy provided by New York City's
23 Department of Corrections, prior to August 31, 2020?

24 A. Yes.

25 Q. And why were you in therapy, prior to August 31,

RODRIGUEZ

Page 81

1 2020?

2 A. I had -- I guess I had -- mental health, they
3 make you -- they put you in a mental health program and you
4 have to see the person every other week or every month.

5 Q. And why were you put in the mental health
6 program?

7 A. I guess because they -- that's what they put on
8 my record.

9 Q. What do you mean by that?

10 A. I guess I was suggested for mental health by --
11 by Department of Corrections staff.

12 Q. Have you ever attempted suicide?

13 A. I have.

14 Q. How many times?

15 A. How many times in life?

16 Q. In life.

17 A. Twice.

18 Q. Okay. When was the first attempt?

19 A. I'm not sure of the date in time.

20 Q. Was it while you were incarcerated with New York
21 City's Department of Corrections?

22 A. Yes.

23 Q. And what led up to that suicide attempt?

24 A. I was receiving horrible treatment in the 9 South
25 housing area, as well as harassment, by the defendants in

RODRIGUEZ

Page 82

1 this matter. I felt hopeless.

2 I could not -- get no help and no relief.

3 I felt like -- I felt like my life was over

4 because of the horrible treatment I was getting, as well as

5 the harassment I was receiving from Defendant Galuzevskiy.

6 Q. And when was the second suicide attempt?

7 A. The second suicide attempt was in December of
8 2020, in regard to this complaint.

9 Q. So are you saying both of your suicide attempts
10 were related to the incidents in this case?

11 A. No.

12 Q. Okay. I'm confused.

13 Because you just said your first suicide attempt
14 was related to the incidents in this case.

15 Then you stated that your second suicide attempt
16 was in December 2020, as a result of the incidents in this
17 case.

18 A. Yes, what I stated was that I don't know the
19 first one, the first one's date and time.

20 And then you asked me, afterwards, what occurred?

21 Then I told you the next time.

22 So the first time, I don't remember the date and
23 the time.

24 The second one, what I was referring to was the
25 one in regard to this complaint.

RODRIGUEZ

Page 83

1 Q. Did the first one occur, after August 31, 2020?

2 A. No.

3 Q. Did it occur, before August 31, 2020?

4 A. Yes.

5 Q. Did it occur in 2020?

6 A. No.

7 Q. Did it occur 2019?

8 A. I'm not sure.

9 Q. Is there anything that you cannot do now, that
10 you used to be able to do before the August 31, 2020
11 incident?

12 A. Yes.

13 Q. What can you not do now, that you used to be able
14 to do?

15 A. Read without glasses.

16 Q. Anything else?

17 A. Walk in front of an officer without being
18 paranoid and scared that they're going to strike me.

19 Q. Anything else?

20 A. Pick up heavy items.

21 Q. Anything else?

22 A. No, not that I'm aware of; to the best of my
23 knowledge.

24 Q. Did you suffer any financial injuries, as a
25 result of the incidents we have talked about today?

RODRIGUEZ

Page 84

1 A. No.

2 Q. Okay. May I just take a few moments to look over
3 my notes. Couple of minutes.

4 A. I'm asking for a bathroom break.

5 Q. I'm actually done.

6 I don't have any further questions. Thank you.

7 THE WITNESS: I request a copy of the
8 transcript.

9 MS. WEALL: Yes, I will send you one.

10 THE WITNESS: All right.

11 (Whereupon, at 12:34 P.M., the Examination
12 of this Witness was concluded.)
13
14

15 _____
PETER RODRIGUEZ

16
17 Subscribed and sworn to before me
18 this ____ day of _____ 20__.

19 _____
20 NOTARY PUBLIC
21
22
23
24
25

RODRIGUEZ

Page 85

E X H I B I T S**DEFENDANTS' EXHIBITS**

EXHIBIT	EXHIBIT	PAGE
NUMBER	DESCRIPTION	
(None)		

I N D E X

EXAMINATION BY	PAGE
MS. WEALL	4-84

INFORMATION AND/OR DOCUMENTS REQUESTED

INFORMATION AND/OR DOCUMENTS	PAGE
(None)	

RODRIGUEZ

Page 86

C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

COUNTY OF SUFFOLK)

I, LYNDA ADAM, a Notary Public for and within
the State of New York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that such
examination is a true record of the testimony given by that
witness.

I further certify that I am not related to any
of the parties to this action by blood or by marriage and
that I am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 15th day of September 2022.



LYNDA ADAM

CASE NAME: Rodriguez, Peter v. City Of New York, Et Al
DATE OF DEPOSITION: 9/14/2022
WITNESSES' NAME: Peter Rodriguez

[illegible]

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____, 20____.

MY COMMISSION EXPIRES:

[& - additional]

Page 1

&	2	24 12:16 48:14 48:19,22 24455 86:20	8/31/20 34:12 65:17 8957 1:7 56:16 56:21
& 3:13	2/17/21 10:15		
1	2/21/14 18:13	3	
1 3:13 7:15	2/9/21 69:18	3 24:9,9,15 26:18 72:17,17	9
10 23:22 29:23 67:24	20 1:5 8:15,24 24:6,17,22 29:25 57:14 79:10,12 84:18 87:22	3/2/21 8:11 3/25/21 70:24	9 35:7,8,10,14 55:22 63:21 72:13,15 81:24
10/28/21 24:21	2009 19:15	30 3:12 25:11,16 30:2 48:5 69:19	9/14/2022 87:3
10/3/22 9:4 24:6 24:11	2010 19:15	31 48:25 49:3,6 54:1,18 79:1,4,7 80:19,23,25 83:1 83:3,10	9/15/20 63:19
100 2:9	2013 25:7,15	32 26:18	9/16 63:17
10007-2601 2:9	2014 18:13 19:23 20:24 21:7 25:7 25:15	32nd 20:2	9/3/2020 65:19
10:00 1:13 37:4 37:4	2015 20:24 21:9	4	9/6 63:21
11045 8:15 24:6 24:17,22	2016 23:22 27:1 27:3	4 55:16 4-84 85:12 40 30:4 4:45 55:16 4th 56:7 61:5	9/6/20 63:14,16
11475 1:8	2019 19:14 83:7	5	9/8/20 63:16,21
11:48 59:5	2020 16:17 19:14 48:25 49:3,6 54:1,18 55:16 57:14 61:13,22 62:4 64:13 67:10 70:2 79:1 79:4,7 80:20,23 81:1 82:8,16 83:1,3,5,10	6	9840 1:5
12/29/20 8:18	2020-045742 2:10	60 30:8 639 2:4 6493 17:22 6:40 67:10 6:50 67:10	9:00 37:4
12/30/21 9:17	2021 69:25 70:20 72:11	7	a
125 34:19	2022 1:12 24:9,9 24:15 86:17	8	a.m. 1:13 37:4 59:5
12:34 84:11	21 8:9 10:14	8 22:16	ability 12:11,16 12:20,23
1384 10:14	21st 70:2		able 5:4 11:17 49:16 63:22 65:12 83:10,13
14 1:12	22-2333 2:11		accurately 5:10 12:17,24
14011 2:5	22b2287 2:5 4:7		action 4:13 57:9 57:12 86:13
1451 1:7			actions 14:10
15 61:22 62:3 64:13 67:24			active 13:5
1500 16:22			adam 1:19 86:6 86:20
15th 61:13 66:25 86:17			add 15:1
1800 34:16 65:22			additional 53:22 65:5
1805 1:8			
1810 8:9			
18th 23:4,5 67:10			
1990 17:18			

[address - awake]

Page 2

address 18:17 adequate 46:11 adhd 79:13 80:18 adjudication 62:24 63:20,23 66:15 administer 3:9 advanced 66:6 affect 12:19 agent 66:8,8 aggravation 74:11 agitation 50:2 74:6 ago 24:10 agreed 3:4,15 ah 5:3 air 39:24 41:4 al 8:13,16 10:15 87:2 alarm 34:8 alcohol 31:7 48:15,20 allegation 4:17 allege 61:2,6 67:4 71:7 75:8 76:4 77:22 78:3 alleged 64:9 70:9 70:23,25 80:15 allegedly 61:23 62:20 67:7,11 68:14 70:20 72:23 alleging 71:6 allowed 11:11 43:10	amend 73:7 amended 61:2,6 69:3,7,10,14,21 69:21,25 70:1,4 answer 5:24 6:8 6:9 7:23 11:7,21 12:24 24:13 26:9,13,20 29:3 31:3 32:18 36:15,23 63:5 64:23 65:13 answered 28:19 73:23 answers 29:2 33:5 70:15 anxiety 50:6,21 51:18 54:24 74:8 78:21 appeared 65:23 appointment 79:24 approach 39:22 55:14 67:11 approached 55:7 55:12,15 56:15 56:23 57:1,4 61:3,7,11,12,14 61:24 64:14 67:5,8,9,13,15 68:2,14 71:7,18 72:23 approaching 72:19 approximately 15:7 16:16,25 18:20,23 21:6,21 24:20 27:16 34:16,16 65:22	april 25:20 area 44:8,9,18 44:20,24 45:1 46:8,8,9 55:17 55:22 56:22,25 57:6 64:15,16,18 64:19,20 66:8,12 67:14,21,24,25 68:19 70:15 72:16,22,24 73:3 73:4 81:25 arrest 15:12,15 23:21 arrested 15:14 25:24 26:4,24 27:1,3,4,10,13 arrived 35:3 36:1 aside 14:9 asked 9:24,24 24:1 28:10,14,15 28:17,20 32:15 36:16 45:7 47:15 55:17 56:8 64:21 65:2 66:22 73:23 82:20 asking 4:20 28:16,21 43:10 44:21 51:22 56:5 65:4 73:25 84:4 asleep 33:18,22 assistance 22:7 22:12,17,18,22 assume 5:20 assumes 26:10	asthma 50:3 74:6,11 78:6,9 78:11 attack 60:7 attempt 40:18 81:18,23 82:6,7 82:13,15 attempted 43:2 81:12 attempts 82:9 attend 19:22,25 attended 19:20 19:23 attention 31:9 32:24 45:18,19 45:21,22 46:1,3 46:6 47:16 55:5 attica 2:4,5 22:25 23:3 attorney 9:10,18 10:24 13:9 14:17,22 15:6 16:8,9 attorneys 2:8 15:23 74:13,17 75:2 august 19:24 23:4,5 24:9,15 48:25 49:3,6 54:1,18 79:1,4,7 80:19,23,25 83:1 83:3,10 authorized 3:8 automotive 20:6 awaiting 27:8 57:6 awake 33:24
--	---	--	---

[aware - cell]

Page 3

aware 10:23,25 11:16 12:10 64:20 79:2 83:22 awoken 33:15,15	bathroom 84:4 batteries 36:10 36:25 battery 25:15 began 65:25 beginning 32:25 78:10 believe 16:12 19:14 44:13 52:14 58:5,16 61:13 70:10,11 benefits 22:5 best 5:17 16:13 17:5 27:25 53:24 56:11,20 68:23 77:20 83:22 better 54:8,14,22 55:1 bipolar 79:15 80:18 birth 17:17 bit 40:9 black 40:10 blood 86:13 bm 1:5 body 50:4 born 18:1 boss 58:24 boys 19:9,9 break 11:20,22 58:23 59:5 84:4 bring 7:8,10,16 8:17 9:16 bringing 14:6 broken 48:6,9 bronx 19:19	brought 4:14 7:14,25 10:4,9 10:13,21 14:5,10 14:15 15:8,8,11 15:20,25 16:4 17:4 29:12 52:3 brung 8:8 47:5 buffalo 21:15,17 22:1 burn 44:9 burning 76:10 burst 66:7	9:9,16,18 10:14 10:15,17,19 13:24 14:3,6,7 16:6,7,23 24:5 24:23 54:24 69:4 71:19 72:3 73:18,20 82:10 82:14,17 87:2 cases 7:2,3,4,4,5 7:6,8,10,11,12 7:14,18,20,24 8:1,19,21 9:5,8 9:20,21,23,25 10:4,9,10,12,13 10:22 13:1,3 14:16,21 15:1,4 15:5,8,11,25 cash 22:18 caught 31:20,22 caused 62:19 64:11 66:6 cell 30:18,22,24 31:11,12,16,22 31:24 32:4,6,9 32:10,14 33:9,10 33:11,12,14,16 33:18,22,24 34:2 34:6,9 35:17,18 36:7,10,13,24 37:1,1,3,7,13 38:5,6,8,9,22,24 39:13,14,23 40:2 40:3,5,7,9,11,11 40:13,16 41:12 42:8,11,12,14,22 44:2,5,10,20,25 48:7,10,19 49:12 49:14,18 55:8,13
b	b 16:8 26:18 85:1 back 23:24 24:12 28:23,25 29:2 32:15,16 33:5 36:19,21 46:25 47:3 53:15 59:5,10,12 59:13,14,16,17 59:18,19,23 61:1 66:10,25 71:13 badge 56:16,20 57:20,21 58:4 62:5,8,10 based 41:14,15 basically 24:1 26:18 28:10 43:9,12,15 46:10 47:7,17 49:15 52:1,2 54:6,21 56:19,20 58:7 60:4,8,10,24 61:15,17 62:24 63:6 64:1 65:11 66:15 68:20 71:18 72:2 74:5 75:18 basis 31:10 32:24 55:6 63:25	c	c 2:1 18:15 86:1 86:1 c.u.n.y. 19:17 cage 55:17 57:6 67:13 68:19 71:8 72:17 call 34:5 71:22 called 4:1 71:23 72:4 camera 72:19 capote 18:15 captain 1:7,8 46:16,16 47:21 62:24 63:20,24 63:24 66:15 care 4:19 38:17 46:11,12,18,24 47:2,10 77:21,24 78:2 career 20:1 case 1:5 4:21 6:17 7:2,15,16 7:17 8:4,8,10,12 8:14,17,18,23

[cell - correctional]

Page 4

55:14 59:25 61:16,18 63:4 64:11 65:8,10,11 66:4 67:2 68:19 68:21,21,24,25 72:17 73:5 center 34:18 certification 3:6 certify 86:7,12 chance 11:8 change 24:8 87:5 changes 11:17 11:18 charge 28:1 29:10 45:21 46:9,10,17 charged 27:24 28:3,7,13,17 29:6,8 charges 27:23 28:15,16,21 29:12,15,16 62:25 chemical 41:14 66:7,8 chemicals 41:18 child 78:16 children 19:1,3,4 19:5 chippewa 21:14 church 2:9 circumstances 62:12,15,18 city 1:7 2:8 8:13 8:15 10:15 14:11,19 15:16 15:20 16:4,10,12 17:4 22:2 23:18	80:9 87:2 city's 80:22 81:21 civil 1:18 7:4,5,6 7:12,18,20 8:8 9:12,20,21 10:3 10:9,21 13:1 15:5 claim 16:4 17:4 31:11 53:23 55:7,12 60:3,21 78:18 claimed 22:5 claiming 60:19 73:18,20 74:4 claims 4:21 clean 49:17 cleaned 49:14 cleaning 49:17 clearly 5:8 clinic 46:19,20 47:7,19 48:1,4,5 49:10 close 68:1 73:5 closed 20:8 coached 47:17 college 19:20,22 19:23,25 come 59:19 61:18 79:25 command 23:14 23:16 comment 11:17 commission 21:5 21:6 87:25 company 20:18 compensated 16:3 17:3	complained 70:18,19 complaint 32:21 32:21,25 54:4 57:8,11,13,13,15 57:22 58:4,7,8 58:19 61:2,6,25 62:1,4,7,9 64:6 69:3,7,11,15,17 69:18,21,22,24 69:25 70:1,5,7 72:9 73:7 74:22 74:24,24 82:8,25 complaints 46:22 complete 11:8 12:8 completely 6:8 complex 34:18 34:19 35:4,6 52:20 55:21,24 72:12,15 compliant 43:3 complications 50:2 complied 66:11 concerning 70:8 73:12 78:17 concluded 13:3 84:12 condition 49:4 50:3 59:25 74:6 78:7 conditions 12:11 51:13 60:17 confused 82:12 connection 25:9	consume 48:14 continue 77:15 77:25 continued 59:7 66:3,5 contraindication 60:14 contraindicati... 43:9,17 51:7 control 2:11 conversation 58:5,6,9,12 68:15 convicted 24:25 25:5,6,8,13,14 25:15,18,19,20 25:25 26:5 27:6 28:11,14,17 29:9 29:13 conviction 25:10 convictions 28:12,20 cope 80:15 copies 71:3 copy 3:10,13 84:7 corporation 2:7 correct 11:13 13:20 32:11 37:13 40:8,22 43:21,25 44:14 51:5 53:8 61:8,9 67:5,6 69:4 70:21 75:13 correcting 21:19 correction 1:8 correctional 2:4 4:9 22:25 23:3,7
---	--	---	---

[correctional - described]

Page 5

60:14 80:4,6 corrections 23:19 43:8,15 50:24 53:20 73:14 78:11,12 78:12 80:9,23 81:11,21 corrective 50:10 50:11 54:3 counsel 2:7 3:5 3:13 counselor 59:12 59:13,14,16,18 59:19 counter 12:15 county 25:11,16 86:4 couple 15:9 18:25 60:1 77:14 84:3 court 1:1,18 3:10 4:14 5:4,9 6:8 8:11 16:15 55:9 57:14 59:3 70:18,19 71:3,12 71:22,23 72:4,4 73:13 court's 71:23 courtroom 6:16 6:17 credentials 20:7 crime 25:1,5,12 25:14,17,18,19 25:24 26:2,5,6 27:3,4,6,8,14 29:8,13 crimes 27:10,24 28:3,7,11,12,18	29:6 criminal 7:4 11:3 cuffed 42:17,18 43:7,20,24 cuffing 43:10,17 cuffs 45:9 60:24 current 4:8 18:3 currently 10:20 22:24,25 27:24 53:25 54:17 77:21 79:18 custody 23:19 28:6 50:24 80:9 cut 18:9 cv 1:5 8:9,15 10:14 24:6,17,22 cv11045 8:24	dates 7:14 16:13 63:18 daughters 19:8 day 34:13 37:5 50:9 58:10 60:19,22 77:10 77:11 84:18 86:17 87:22 days 3:12 25:11 25:16 77:14 deadlocked 61:16 65:8,9 67:2 deal 76:15 december 55:16 56:6 61:5,13,22 62:3 64:13 66:25 67:10 70:2,2 82:7,16 decision 63:20 decontaminated 45:7 49:14 decontaminating 45:20 decontamination 45:12,23 47:6 66:13 defendant 4:17 33:11,16,24 34:3 37:23,23,24,24 38:16,16,16 39:1 39:6,19,20,20,20 41:2,5,24 43:5 44:13,17,17 45:20 46:2,17,23 47:8,17,20 49:11 55:15 60:11 61:12 65:20	66:1 71:5,7 82:5 defendants 1:9 1:17 2:8 4:13 35:22,23,23 36:1 37:14 42:19 43:16 44:11,12 45:14,16 47:4 51:6 60:24 81:25 85:3 definitely 43:14 68:24 demeanor 43:1 denied 4:18 46:24 deny 45:17 46:24 47:2,6 department 2:8 23:18 43:8,14 50:24 53:19 73:14 78:11,12 80:9,23 81:11,21 deposed 9:25 24:2,18,19,23 deposition 1:16 3:6,7,11 4:16,23 4:24 5:9 6:13 8:25 9:2 11:6,12 12:5 13:10,13,25 14:3 24:2,8,16 26:12,17 87:3 depression 50:6 50:21 51:18 54:24 74:8 78:21 descent 56:19 describe 56:17 described 45:1 49:21
---	---	---	--

[description - exhibits]

Page 6

description 56:20 85:6 desired 66:9 details 10:25 detention 34:18 34:19 35:4,5 52:20 55:21,24 72:12,14 diagnosed 50:2 52:6,10,12,17 60:16 78:9,10 80:19 diagnoses 51:24 78:22 diagnosis 51:12 51:19 79:11 diagnosises 51:25 different 7:14 41:17 55:13 63:18 digits 17:21 din 2:5 4:7 direct 62:21 directly 39:24 discharged 53:19 disciplinary 30:19 discuss 70:17 discussed 12:5 13:24 24:22 27:11,24 50:14 53:21 59:24 61:4 63:4 64:8 74:14,21 77:1,19 78:19	discussing 7:19 dismissed 62:24 disorder 79:15 80:18 disorders 78:21 disposition 63:13,19 distributor 20:17 district 1:1,1 4:14,15 doccs 53:20 79:25 docket 8:3,4 9:22 10:8 13:2 15:4 69:19 doctor 46:13 47:8,9,9,12,15 75:11,16 document 13:18 documentation 51:9,10 documents 13:12,15,16,21 24:7 71:21 74:16 85:14,15 doing 35:16 40:24 41:2 57:3 68:13 door 31:17 33:11 33:16,18,21,25 34:3 35:18,18,20 35:23 37:22,22 38:21,24 39:3,5 39:8 41:5 68:8 dpv 63:25 drink 31:7 48:20	drop 61:15 65:7 drugs 31:5 48:22 due 62:22 64:1 duly 4:2 86:9 duration 80:14 e e 2:1,1 3:1,1 4:1 4:1,1 18:15,15 55:11 85:1,9 86:1,1 e.s.u. 1:7,7,7 43:9,15 66:6,11 earlier 11:7 15:3 15:6 27:13 47:5 58:6 earn 21:6 eastern 56:19 education 20:10 effect 3:9,11 66:9 either 12:14 19:14,15 62:7 63:21 electrical 31:18 31:20 elmira 4:9 23:7,8 23:11 80:4,6 emotion 74:3 emotional 74:2,5 76:15 77:16 78:17 80:16 emotionally 52:3 english 11:24 12:2 enhanced 35:10 35:13,14	entered 78:11 entering 79:25 errata 87:1 errors 11:13 escorted 45:12 47:19,20 49:11 66:12 escorting 45:15 esq 2:10 et 8:13,15 10:15 87:2 european 56:19 event 26:20 events 6:4 12:20 49:21 eventually 42:16 44:2 evidence 26:11 exact 7:7 37:16 49:12 71:2 72:16 exactly 56:3 64:24 71:10,15 72:7 examination 4:4 59:7 84:11 85:11 86:8,10 examined 4:3 example 22:14 excessive 4:18 42:19 50:19 60:2,2,8,10,18 60:21 exchange 2:4 excuse 59:12 exhibit 85:5,5 exhibits 85:3
---	---	---	---

[exit - galuzevskiy]

Page 7

exit 66:11 expect 6:3 experience 77:15 78:25 experienced 52:3 78:18 experiencing 50:21 54:2 expires 87:25 explain 62:17 extinguish 66:5 extinguisher 39:2,6,10,11 40:22,25 41:3,14 41:19 60:12 65:24 66:2 extinguishers 41:18 eyes 50:4,20 74:7	fed 61:17 federal 1:18 feel 53:11 feeling 53:15 fees 74:13,15,17 feet 56:18,18 felt 82:1,3,3 ferraro 1:8 33:11,16,17,21 33:25 34:3 37:23 38:17 65:20 file 2:10 8:10 15:22 57:8,11 70:8 73:12,14 filed 8:11,18 9:18,19 10:15 15:16,23 16:10 16:14,14 57:13 57:14 69:17,18 69:22,24 70:2,13 filing 3:6 58:7,7 58:19,19 fill 47:18 filled 40:2,3,6,9 49:19 financial 74:3 83:24 find 11:13 finding 63:25 fine 40:11 finish 6:7 fire 30:17,22,24 31:11,12,14,16 31:20,22 32:1,3 32:6,8,10,14 33:8,10,21 35:25 36:1,3,8,11,14	37:13 39:2,6,7,9 39:11,12,12 40:4 40:19,20,21,25 41:3,14,17,19 42:11,12,14 48:6 48:9,14,19,23 59:25 60:11 62:21 63:4 64:9 64:9 65:24,25 66:2,3,5,18 first 4:2,25 11:24 12:2 25:5 25:6 31:9 32:15 32:24 35:16,21 48:6 55:7,14 57:15 58:4 59:11,20,24 64:7 68:4 69:4,7,10 69:14 70:1,4 78:9 81:18 82:13,19,19,22 83:1 five 6:23 45:22 45:23 46:20 53:1,6 76:1 flames 65:24 flickering 65:23 florida 25:16 27:14,14,18 follow 62:20 65:4 follows 4:3 food 22:15,18 65:25 footage 62:23 63:22 force 3:11 4:18 42:20 60:2,2,8,9	60:10,18,21 form 3:16 22:11 22:16 26:16 47:8 formal 51:12,19 formally 52:6 formerly 52:7 forms 31:10 32:24 47:18 55:6 forth 86:9 four 17:21 38:2 80:7 front 29:16 30:20 83:17 fronto 20:18 full 6:9,9 further 3:15 66:13 84:6 86:12 fuzzy 50:5 74:7
f	f 3:1 86:1 face 39:2,9,11 41:3 60:11 facial 66:8 facility 2:4 4:9 23:1,3,7,13 34:17 45:25 55:20 80:4,6 facing 39:25 78:7 facts 26:10 far 7:19 fear 55:18 56:13 february 69:22 69:25		g
			g 4:1 55:11 galuezuskiy 38:16 39:1,19,20 41:2 43:5,6 44:13 55:7,12 66:2 galuezvskiy 1:7 galuzevskiy 37:24 39:6 55:10,15 56:3,14 56:22 57:1,4,16 58:2 60:11 61:3 61:7,10,12,20,23 64:14,21 67:1,4 67:14 68:1,14,18

[galuzevskiy - incident]

Page 8

69:1,6 70:9 72:3 82:5 galuzevskiy's 58:11 getting 42:19 66:25 70:15 78:6 82:4 ghw 1:5 gibson 1:8 45:20 46:2,17,23 47:8 47:17,20,21 49:11 gift 49:15 give 4:24 5:1 9:22 12:8 39:16 41:7 65:4 given 42:4 47:3 49:15,17 53:20 60:13,14 62:11 63:19 76:10,12 76:12,14 86:10 giving 33:2 46:3 glasses 76:12 83:15 go 19:16 23:24 24:12 32:15,16 59:10,23 61:1 65:12 68:9,9 71:13 goes 6:17 going 4:24 10:3 26:14 58:21 61:17 72:5 83:18 good 4:10 58:22 gotten 54:8,10 54:13,22 55:1,3	graduate 19:10 19:12 grievance 70:8 70:12 grievances 70:13 70:16 73:12,15 guess 5:25 49:16 57:6 81:2,7,10 h h 85:1 hah 5:3 half 23:9,20 58:22 hand 86:16 handcuff 43:2 handcuffed 42:16,17,21,23 43:4 handcuffs 53:8 handled 14:17 handling 10:20 hands 39:24 41:4 66:10 happened 60:19 71:6 75:8 harassed 4:19 harassment 72:17 81:25 82:5 harm 60:5,6 head 5:2,2,5 heal 53:13 health 52:21 54:5 60:14 81:2 81:3,5,10 healthcare 78:4	hear 5:13 30:23 heard 5:21 hearing 63:14,21 heavy 83:20 held 1:19 20:16 help 34:5 82:2 helped 80:15 hereinbefore 86:9 hereunto 86:16 high 19:10,12,16 19:17 hinds 2:7 hired 10:24 hold 20:23 hon 2:7 hopeless 82:1 horrible 81:24 82:4 hour 12:16 58:22 hourly 21:4 hours 34:16 45:22,23 46:21 48:14,19,22 55:16 65:22 house 51:7 housed 35:5 67:20,23,25 72:11,12 housing 22:16 35:7,8,10,14 44:8 55:21 64:19 66:11,12 67:20,25 70:15 72:13,15 73:3,4 81:25	i ibuprofen 76:9 77:5 illegal 31:5 illness 49:7 80:19 imaginary 64:9 immaterial 26:15 important 4:25 66:17,19,21 inaccurate 11:7 incarcerated 15:15 21:1 22:24,25 23:6,8 23:10,11,15 28:4 29:7,19 81:20 incarceration 28:18,19 80:14 incident 9:17 16:25 31:10 32:24 34:11,15 34:17,21 43:18 48:20 50:9,12 51:14,17,23 52:2 52:8,9,12 53:4,5 53:23 54:1,18 55:6,19,24,25 58:18 59:24 61:1,4,23 62:3 63:4 64:4,5,7,9 64:10 66:13 70:17,19,23,25 71:4,9 72:8,9,15 73:8,12 74:11 77:22 78:3 83:11
---	--	--	---

[incidents - lawsuit]

Page 9

incidents 13:22 69:10,14 70:4,9 70:14 72:16 74:14,18,21 75:8 76:5,25 78:18 82:10,14,16 83:25 include 69:9,13 70:3 73:7 including 10:12 41:24 76:8 incomplete 11:7 increased 52:1 indicating 15:23 16:11 61:17 63:7 71:24 individual 58:8 infirmary 23:14 23:16 information 65:5 69:9,13 70:3 85:14,15 infracted 30:15 30:17,22 infraction 30:10 30:14 37:9 62:11,13,16,19 62:22 63:1,3,6,8 63:10,11,12 64:3 65:14,14,16,17 65:21 66:22 infractions 29:18,21 30:13 initial 15:15 32:21 57:8,11,21 79:25 initially 37:19,20 37:21,23 38:6,9	39:3,5 injuries 46:15 49:20,22,24,25 50:1,14,15,17 51:13,17,20 53:22,25 54:7,17 54:20,22 55:1 75:7,13,15 76:4 76:16 77:18,22 78:3 80:16 83:24 injury 16:23 46:9 inmate 16:1 66:4 66:5,10 68:3,8 68:15 73:4 inmate's 66:8 inmates 40:15 64:18,19 67:16 67:19,20,22,23 67:25 68:4,9 73:1,2,3 inside 39:7 40:5 42:22 insomnia 50:6 74:8 institute 20:1 instructed 66:1 instructions 35:19 insurance 22:18 intake 66:12 interested 86:14 interfere 12:11 12:16,23 interfered 42:10 42:13	investigating 42:14 investigation 45:24 involved 63:23 island 15:16 16:24 18:2 23:12,13 78:1,1 78:12 issued 54:4 63:1 63:11,12 65:19 item 31:22 items 83:20	knocking 33:11 33:16 know 5:13,17,24 6:1 7:24 9:18,19 11:8,21 15:3 16:7,9,10,13,14 16:16 18:17 21:21 26:6 29:17,22 30:9,16 30:19 32:6,18 52:16 53:6 56:14 57:20,21 58:14 63:12,13 64:17,24 67:23 68:6,7,10,24 71:4 72:5 82:18 knowing 60:13 knowledge 16:13 17:5 27:25 53:24 56:11 68:23 77:20 83:23 known 17:6,15 40:4
		j	
		job 20:14,16,23 20:25 21:2,4,11 21:11,13,24 43:12 jobs 22:3 judge 3:10	64:17,24 67:23 68:6,7,10,24 71:4 72:5 82:18 knowing 60:13 knowledge 16:13 17:5 27:25 53:24 56:11 68:23 77:20 83:23 known 17:6,15 40:4
		k	
		k 18:15 55:11 karen 18:15 katherine 2:10 4:12 keep 5:8 65:11 kept 61:16 kidnapping 25:20 29:10 kind 36:10 49:3 49:6 77:24 79:19 knew 58:20 62:5 62:5,10 knocked 33:16 33:18,21,25 34:3	64:17,24 67:23 68:6,7,10,24 71:4 72:5 82:18 knowing 60:13 knowledge 16:13 17:5 27:25 53:24 56:11 68:23 77:20 83:23 known 17:6,15 40:4
			l
			l 3:1,1 17:14 55:11 language 11:25 12:2 larceny 25:8 late 64:2 law 2:8 lawsuit 13:22 15:16 31:10 55:6 61:15,20,25 62:2 65:7

[lawsuits - name]

Page 10

lawsuits 14:5,9 14:15,16 15:20 lawyer 74:20 leaf 20:18 leave 20:25 21:24 38:17 41:12 42:8 65:12 led 81:23 left 44:9 45:23 71:23 lenses 50:10,11 54:3 life 81:15,16 82:3 light 65:23 line 87:5 list 8:5 15:1 little 40:9 55:25 56:1 58:22 live 18:16 21:16 27:14 lived 21:17 27:18 living 34:20 55:23 llc 87:1 located 4:9 19:18 location 4:8 locked 61:16 65:11 long 21:21 23:2 23:8,15,18 27:14 34:20 48:4 50:7 53:12,16 55:23 76:21 77:1,5,7,8 77:8,12 79:6	longer 15:10 look 63:17 84:2 looked 62:6 lost 71:14 lot 50:18 53:10 70:13 71:14 lotion 76:10 77:12,13 luis 17:14 lynda 1:19 86:6 86:20	matthew 16:8 mattress 37:2 mean 8:3 18:9 46:7 56:1 62:17 63:13 65:9 75:16 81:9 medicaid 22:14 22:19 medical 4:18 22:18 43:11 45:10,17,18,19 45:21,22 46:3,3 46:5,11,12,18,22 46:24 47:2,6,10 47:14,16 49:16 51:10,19 52:18 52:19 74:10 75:19 77:21,24 78:2 medication 12:22 46:1 76:3 76:7,18,19,22,24 77:3 78:8 medications 12:14,15,19 49:1 49:2 76:8,15 medicines 76:17 memory 49:1,4,7 71:16,25 mental 12:10 52:21 54:5 78:4 80:19 81:2,3,5 81:10 mentioned 14:10 14:12 15:3,6 51:16 60:1 64:5 68:16 69:24 77:6 78:19	message 71:23 middle 17:9,11 17:12,13 mighty 21:14 military 20:12 minute 58:23 59:4,6 minutes 84:3 mode 39:25 moise 1:7 37:24 44:17 66:1 moment 59:11 59:24 moments 84:2 monday 34:14 money 16:20 74:13,17 75:2,3 month 18:21 21:23 24:10 34:23 81:4 months 19:23 23:9 53:11 morning 4:10 moving 41:10 44:20,25 multiple 7:3 44:15 49:25 52:21,23 74:12 76:8 murder 27:4,23 28:1
	m		
	m.d.c. 34:20 ma'am 4:22 5:7 mailing 74:15 75:4 major 20:3,5 making 46:17 male 56:18 manhattan 34:18,18 35:3,5 52:20 55:21,23 72:12,14 manner 60:7 march 23:22 70:20 72:11 marital 18:3 marks 53:7 marriage 86:13 married 18:4,5 18:10,12 matter 9:10,12 10:20 11:4 24:21 82:1 86:15 matters 15:21		
			n
			n 2:1 3:1 18:15 85:9 name 4:6,12 8:4 8:12 9:9 16:7 17:6,9,11,12,13

[name - one's]

Page 11

18:14 55:10 57:15,16,19,19 57:20 58:3,3,11 62:8,9,9 64:17 68:7,10 69:6,6 76:18 87:2,3 named 61:19 62:4,7,11 63:24 names 9:22 10:8 13:2 37:17 68:6 68:9 72:25 near 44:20 45:1 need 11:16,20 15:1 60:9 needed 75:12,17 needs 5:4 never 32:7,8 47:7,8,14,14,15 47:23 49:13,14 49:17 52:5 53:14 new 1:1,7,20 2:5 2:8,9,9 4:3,15 14:11 15:17,20 16:4 17:4 18:2 19:19 20:2,2 21:15 22:2 23:18 27:18 80:9,22 81:20 86:3,7 87:1,2 nickname 68:11 nicknames 17:15 68:10 night 54:25 nightmares 50:5 52:4 54:23 74:8 78:19	nine 19:6 25:23 nod 5:2 nope 39:17,19 north 23:14,15 notary 1:20 4:2 84:20 86:6 87:25 notes 84:3 notice 32:1,3,13 33:8,14 34:2 noticed 32:7,8 32:16 33:10 34:5 35:16,21 november 57:14 number 7:7 8:4 17:19,21,24 24:5 24:12 37:16 56:16,20 57:20 57:21 58:4 62:5 62:8,10 71:24 85:6 numbers 8:3 9:22 10:9 13:2 15:4 numbness 50:3 53:9,12 74:6 nurse 46:13	object 26:7,8,10 28:8 73:21 objection 26:12 26:14,16,19,21 26:22 objections 3:16 26:17 observed 65:23 oc 41:6 42:6 49:13 50:19,23 51:1,8,11 60:4 60:13,15 76:11 occasions 55:13 occur 31:16 34:11,15,17 55:19 72:15 83:1,3,5,7 occurred 53:23 70:20 71:4 72:10,17 82:20 occurring 34:21 55:24 70:14 officer 1:7,7,8 33:17,20 40:25 41:6 42:5 43:4,6 43:13,20,24 44:14 45:14,15 46:14,16 47:19 55:7,12 56:3,14 56:17,22 57:1,3 57:15 58:2,11 59:18 61:3,7,10 61:20,23 64:13 64:21 65:20 66:5,6 67:1,4,14 68:1,3,13,17 69:1,6 70:9 71:10,17 72:22	83:17 officers 4:18 35:19,20 36:13 37:12,15,17,21 37:25 38:1,2,3 38:13,21,24,25 39:4,16,18,22 40:4,12,15,18,21 40:24 41:1,7,21 41:23 42:10,13 43:1 44:15,16,18 45:13,16 59:13 60:1,3,12 63:23 64:16 67:16,17 68:4,6 72:24 official 65:21 oh 63:17 okay 5:14 6:1,5 7:15 10:2 11:24 14:21 16:3 20:16 24:10,14 26:8,24 28:22,24 30:10,13 32:10 32:13 33:7 36:5 36:17 37:17,23 47:9,12,13,15 48:3 52:6 59:22 59:23 61:1,22 63:15 65:18 66:23 70:8 75:1 81:18 82:12 84:2 old 19:5,6,7 once 18:6,10 48:12 51:5 66:4 80:12,12 one's 82:19
--	--	--	---

[ones - properly]

Page 12

ones 14:12 open 38:21 66:4 opened 38:8,24 39:4,5,8 order 1:18 41:25 ordered 41:12 66:11 orders 39:16 41:8 42:4 62:21 original 3:7,13 20:17 63:3 outcome 86:14 outlet 31:18,20 outside 44:8,10 57:5 overheard 58:6 58:16	paranoia 54:21 78:24 paranoid 83:18 parole 27:21 part 32:21 particular 44:24 64:20 74:15 parties 3:5 86:13 pay 21:4 pen 45:12 47:6 pending 11:22 people 43:16 56:25 pepper 41:21 42:1,24 perfectly 40:11 period 12:16 22:21 80:13 permissible 60:16 person 14:2 58:1 81:4 personally 10:23 43:19,23 pertain 63:3 peter 1:2,17 2:3 4:7 8:13,15 10:14 17:7 84:15 87:2,3,21 petty 25:8 philips 63:24 phone 71:22,24 physical 12:10 46:15 53:14,16 53:18,25 54:7 74:2,3,5 75:12 75:14,17,20,22 76:14 77:17,18	77:25 79:19 pick 83:20 place 2:4 17:1 58:9 71:1 72:8,9 placed 66:10 plains 19:19 plaintiff 1:3,16 pleaded 39:1,10 please 4:6 5:2,8 5:25 6:7 8:7 9:23 10:7 11:20 26:3 28:23,25 29:3,5 31:3 32:2 32:17 36:18,19 43:22 48:17 57:10 63:10 point 32:3,13 33:2,8 40:6 45:11 47:11 69:3 pointed 68:24 pointing 68:20 68:20 possessions 37:3 37:6 possible 32:19 73:17 possibly 4:25 6:24 22:20 56:19 58:7,19 77:2 post 74:8 postage 75:5 preparation 13:12 preparatory 19:17	prescribed 50:10 50:10,11 76:3,7 76:8,17,25 prescription 12:15 preserve 26:21 previous 69:21 previously 15:2 prior 28:18 34:20 41:25 42:5,23 43:18 51:10,21 52:8,9 55:24 65:2 78:13 80:2,19,23 80:25 pro 2:3 10:13 probably 58:17 58:20 problem 66:23 problems 50:7 78:17 procedure 1:18 procedures 43:10 proceed 59:9,22 process 47:18 62:23 64:1 66:13 productions 13:18 professional 46:4 51:19 52:18,19 program 81:3,6 proper 26:12,14 26:16,19 57:25 properly 24:13
p			
p 2:1,1 3:1 4:1 18:15 p.m. 55:16,17 61:13 84:11 page 85:5,11,15 87:5 paid 21:5 74:20 pain 50:3,4,4 53:9,10,12 54:11 74:7,7 76:9 77:15,16,17 palms 39:25 panic 78:21 paper 63:18 71:11 paperwork 14:18,19,23 15:22 71:14			

[property - remember]

Page 13

property 36:25 46:25 47:3 49:15 provide 45:22 provided 13:16 43:8,12,17 45:25 46:18,25 47:16 49:16 51:7,9 80:22 providing 45:21 46:5,11,12 proximity 73:5 psychiatric 76:21,24 79:3,6 79:21 psychological 54:17 psychotropic 76:15,17 ptsd 50:6 51:18 52:4,6,10,13 54:21 public 1:20 4:2 22:7,11,17,22 84:20 86:6 87:25 purpose 4:16 pursuant 1:17 put 35:25 36:3,5 40:18,20 41:4 58:17 65:25 66:3 75:18,19,19 81:3,5,7 putting 42:10	6:4,9 7:9,23 10:6 11:21 12:1 14:1 15:13 17:10 20:22 22:13 23:24 24:1,13,13 26:3 26:7,13,21,23 28:5,8 29:3,5 30:12,23 31:1 32:2,9,15,17,17 32:18,23 33:7,19 35:9,12 36:15,19 36:20,23 37:19 41:16 43:22 44:11 48:16,18 49:5 51:15,22,23 57:10 60:20 61:21 63:5,6,9,9 64:23 65:2,3 66:24 69:12,23 73:19 74:19 76:23 questions 4:17 4:20 6:7 12:24 29:1 33:4 84:6 quicker 46:1 quite 77:2	real 64:11 68:10 realize 11:6 really 50:20 rear 42:17,18 43:7,17,20,24 reason 12:7 87:5 recall 12:20 17:2 27:17 31:4,23 34:7 36:9,12 37:8,11 38:12,20 44:1 45:3 48:8 48:21,24 49:8 51:2 56:24 57:2 63:2 67:18 72:6 72:7,21 73:6,16 77:3 80:21 receive 16:20 20:7 22:11,21 25:22 51:12,21 51:24 53:16 80:11 received 20:9 22:7,14,15,16 25:23 30:11 37:10 51:17,18 53:14 75:14 receiving 53:18 54:5 78:1,13,14 81:24 82:5 recess 59:6 recollection 13:21 record 4:6 17:20 26:22 30:20 81:8 86:10 red 50:20 redness 50:19	reduced 50:5 54:2 74:7 76:12 reference 33:2 71:19 72:2,3 referral 45:25 75:20 referred 8:21 29:1 33:4 36:20 72:18 referring 7:11 7:17,18 38:4 46:13 49:23 58:14,18,20 74:1 74:22,23 75:4 79:20 82:24 refresh 13:21 refusal 47:8 refuse 47:10 refused 41:25 42:8 47:14 regard 52:22 53:4,5 74:15 82:8,25 regional 20:17 relate 64:3,7 related 4:21 82:10,14 86:12 relation 29:13 released 42:19 relief 82:2 relieve 76:10 relinquish 66:2 relocated 21:25 22:1 remember 6:4,5 6:5 22:4,10,23 30:21 48:11,13 49:2 72:25 73:2
q	r		
question 5:12,13 5:16,18,21,25	r 2:1 3:1 4:1,1,1 18:15 86:1 radio 36:7,24 radix 2:7 read 28:22,25 29:2 33:5 36:19 36:21 83:15 ready 59:9,22		

[remember - september]

Page 14

73:16 82:22 reminded 47:1 remnants 49:13 removed 44:2,5 rendered 63:20 repeat 5:13 12:1 17:10 29:5 33:7 35:12 43:22 57:10 60:20 61:21 63:9 69:12,23 73:19 repetition 28:8 73:22 rephrase 5:18 7:9 10:6 14:1 15:13 20:22 26:3,23 28:5 30:12 32:2 33:19 48:16 49:5 51:15 74:19 76:23 report 75:19 reporter 5:4,9 6:8 28:22 29:2 32:19 33:1,5 36:21 55:9 59:2 59:3 reporting 65:21 87:1 represent 4:13 represented 13:9 14:17,22 15:5,21 16:8 representing 9:11 request 28:22 45:10,18 84:7	requested 43:9 43:11 45:19 51:10 60:13 85:14 requesting 77:25 reserved 3:16 resisted 42:23 resolved 14:7 16:16,18 respective 3:5 responded 36:13 37:12,15,18 43:16,16 responding 66:24 response 31:2 45:8 64:12 responses 5:1 responsibility 46:18 responsible 46:2 46:5,10,14 result 34:9 36:14 37:13 49:20 51:17 53:23 54:4 70:12 74:11,14,18,20 75:8,12 76:4,25 78:18 82:16 83:25 retaliation 55:18 56:13 retrieve 65:24 review 11:11,13 28:23 32:17 54:24 62:23 63:22	reviewed 13:12 13:19 reviewing 24:7 63:8 rider 66:2 right 4:21,23 5:24 6:3 8:5,6,8 8:12,14,17,19 9:8,25 10:6,8,16 10:19,21 11:1,16 12:7 14:2 15:7 15:14 17:13 19:12,16 23:10 24:25 25:9,12 26:15 33:6 38:21 42:5 44:16 51:16 53:7 55:19 56:25 58:21,25 59:1,21 61:19 63:7,8 65:14 69:20 72:14 75:3,11 77:12,21 79:6 84:10 rikers 15:15 16:24 23:12,13 78:1,12 road 19:19 rodriguez 1:2,17 2:3 4:7,10 8:13 8:15 10:14 11:24 17:7 29:4 59:10,23 66:4,5 84:15 87:2,3,21 rory 68:12 rule 26:18 rules 1:18 4:24 12:4	s s 2:1 3:1,1 17:14 55:11 85:1 87:5 sadness 78:24 salary 21:2,3 saw 47:7 80:2 saying 8:1 82:9 scared 83:18 school 19:10,13 19:16,17 20:7,8 scratches 50:18 scribbled 63:16 se 2:3 10:13 sealing 3:6 second 25:12,14 27:5 55:5 61:2,6 61:10,12,23 66:7 69:21,25 82:6,7 82:15,24 seconds 48:5 section 22:16 security 17:19 17:21,23 35:10 35:14 see 40:10,11 52:19,24 80:5 81:4 seek 80:8 seeking 77:23,24 78:2 seen 50:20 52:21 72:19 send 11:12 84:9 sentence 25:22 september 1:12 19:24 24:9 86:17
--	---	--	--

[serious - supplies]

Page 15

serious 30:10,14 seriousness 30:13 serve 20:12 25:9 served 25:11,16 service 3:12 57:6 services 51:7 60:15 65:12 sessions 75:22 set 30:24 86:9,16 setting 30:17,22 settlement 16:18 16:21 seven 19:6 severe 54:21 shake 5:2,6 sheet 87:1 shoulder 50:4 shower 45:23 61:14 64:14 shut 45:8 sic 4:9 8:8 36:24 36:25 43:15 46:24,24 47:5 50:20 51:25 sign 47:23 signature 86:20 signed 3:8,9,12 47:8 sir 29:3 situation 58:16 58:17 six 23:20 38:2 56:18,18,19 slashed 16:24 sleep 54:25 slot 65:25	smoke 33:12,14 34:2,5,8,9 35:17 35:21 39:14 40:1,2,3,5,6,7,9 40:10 49:12,19 59:25 64:11 social 17:19,21 17:23 sons 19:8 sorry 7:9 9:24 10:3 12:1 14:1 15:13 17:10 18:7,9 19:14 20:20 21:18,18 24:9 30:12,23 32:8 33:19 35:12 41:16 42:4 46:16 47:1 48:16 62:14 63:5,16,17 66:20 68:3 69:23 73:21 74:19 76:23 sought 53:22 74:10 sounds 46:13 south 35:7,8,10 35:14 55:22 72:13,15 81:24 southern 1:1 4:15 sparingly 18:19 18:20 spayed 41:23 speak 5:8 speaking 58:18 specific 46:22 48:17,18 49:22	51:16 specifically 9:24 spelled 55:10 spent 74:13,17 75:2,4 spoke 72:4,4 75:3 spouse 18:14 spray 41:22 42:1 42:6,24 49:13 50:20,23 51:1,8 51:11 60:4,13,15 sprayed 41:6,21 42:1,6,24 60:11 60:12 spraying 39:2,6 39:9,10 41:2 sprays 76:11 ss 86:3 staff 66:11 81:11 stamps 22:15,18 standing 35:18 41:1 57:5,5 start 31:12,14 32:20 78:14 started 31:11 32:22 39:25 41:4 66:18 starting 7:15 state 1:20 4:2,6 86:3,7 stated 32:8,10 39:8 47:6,23 62:20 65:1,7,22 71:21 72:7 82:15,18 stated 18:2	states 1:1 4:14 27:19 stating 51:7 60:15 status 18:3 stay 47:21,25 54:15 61:18 68:21,25 staying 65:11 stemming 54:1 54:18 stipulated 3:4,15 stop 39:1,10 41:10 street 2:9 20:2 21:14 34:19 stress 50:22 74:9 78:21 strike 83:18 struggling 54:11 submitted 71:3 71:12,22 subscribed 84:17 87:22 sued 11:1 61:24 62:1 suffer 74:5 83:24 suffolk 86:4 suggested 81:10 suicide 81:12,23 82:6,7,9,13,15 suing 9:14 55:17 56:8 58:3 64:22 suit 15:23 supervisor 46:8 46:9,10 supplies 49:17
--	--	---	---

[supposed - today]

Page 16

supposed 42:18 43:7,20,24 45:25 sure 6:22 7:7,17 9:13 14:13,14,19 15:18,19,23 21:8 21:10,20 23:17 25:6,15 26:25 27:15 30:20,25 31:15,21 34:22 34:24 35:3,11 37:16 45:13 46:17 51:4 54:16 56:2 57:25 68:23 70:6,10,11 76:18 81:19 83:8 surgery 75:7 surrender 39:24 sustain 77:18 sustained 75:15 75:21 swore 9:25 24:2 sworn 3:8 4:2 24:16 84:17 86:9 87:22 sylvia 2:7 symptoms 78:20 78:23	70:25 72:8 76:19,21 77:1,5 77:10 84:2 taken 1:17 6:12 12:14,19,22,23 37:1,3,6 44:4,7,8 46:19,20 49:9,9 59:6 talk 32:20 talked 13:1 14:2 69:10,14 70:4 75:9 76:5 83:25 talking 7:6,19 10:5 37:21 38:10 39:3 56:6 71:18 tall 56:18 te 10:15 team 43:9 technical 20:1 technology 20:6 tell 5:20,25 6:5 6:12 10:10 41:10 43:6,12,19 43:23 50:1 75:16,18 temir 1:8 ten 6:25 53:3 58:23 59:4,6 75:24,25 tending 46:14 terms 14:5 testified 4:3 6:19 7:12,20 8:20 9:2 9:6,10 10:11 11:3 13:7 26:4 testify 6:3 7:2 10:16 12:12,17	testimony 12:8 33:17,20 43:19 43:23 86:10 thank 9:5 33:3,6 36:22 66:14 84:6 therapy 53:14 53:16,18 75:12 75:14,17,20,22 76:14 77:25 79:18,19,19,21 79:23,24 80:3,5 80:8,11,15,22,25 thing 37:1 64:1 things 52:3 71:8 75:4 78:24,25 think 30:21 58:6 63:5 thinking 26:17 third 25:17,19 67:5,7,9 thought 58:2 threat 72:1,6 threaten 40:12 40:15 60:5,5 71:20 threatened 42:3 42:5 45:13 71:8 threatening 71:19 threats 47:4 three 25:4 69:10 69:13 70:3 80:7 80:7 threw 36:6 thrown 62:22 tightened 45:9	tightening 60:24 time 1:13,19 3:16 10:22 18:6 18:8,11 22:21 24:2 25:6,9,11 31:24 33:12 34:15 36:1,7,11 38:4,22 39:14 41:7,23 48:6 50:23 56:12 57:3 58:10,22 61:10,12,14,19 61:22,24 62:3 63:14 65:2 66:1 67:5,7,9 68:13 69:4 70:14,25 71:2 77:7,8 80:2 80:13 81:19 82:19,21,22,23 times 6:21,22 18:5,21,23,25 25:3,4 26:24 48:9 51:1 52:21 52:23,23 53:1,3 53:6 60:1 61:7 74:12 77:10 80:5,7,7 81:14 81:15 tobacco 20:18 today 12:5,8,12 12:17 14:25 27:11 33:20 54:3 59:24 64:8 74:14,21 75:9 76:5 77:1,15 78:19 79:24 83:25
t			
t 3:1,1 4:1 18:15 85:1 86:1,1 taco 21:14 take 6:16 11:20 11:22 16:25 22:17 38:17 48:22 53:12 58:9,22 59:4			

[today's - white]

Page 17

today's 11:12 13:9,25 14:3 told 14:25 24:5,6 28:12 38:16 39:19,20 44:1 45:8,17 46:23 47:9,12,14 55:18 56:13 61:15 75:11 82:21 total 48:9 touch 18:18,21 18:24 training 20:9 transcribe 5:5,9 6:9 transcript 11:11 11:14,17 71:13 84:8 traumatic 74:9 treat 76:3 treated 47:22,23 79:11 treatment 45:10 53:22 74:10 78:13,14 79:3,7 81:24 82:4 trial 3:17 6:17 9:1 11:18 13:7 26:17 27:8 28:1 tried 60:6 true 69:20 86:10 trumped 80:1 truth 6:13 truthful 12:8 truthfully 12:24 try 5:17 35:25 53:15 60:6	turn 31:9 32:23 55:5 66:6 twice 24:23 51:3 52:25 77:11 81:17 two 10:12,13 19:4 23:9 35:2 41:23 58:17,17 60:12 61:7 63:18 66:7 75:23 type 35:8 41:19 43:10 49:22 types 41:17 u u 3:1 4:1 17:14 55:11 ultimately 20:8 uncharged 28:11 undergoing 79:18 underlying 13:22 understand 4:20 5:6,10,17,18,19 5:21 6:10,12,14 6:15,18 11:9,14 11:18,19,22,23 12:4 22:13 32:9 35:9 41:16 understood 5:21 unemployment 22:5 unit 35:7,8,10,14 72:13,15 united 1:1 4:14	unnecessarily 60:25 unsigned 3:10 use 31:5 41:18 41:18 60:5,6,9 60:16 77:13 usually 68:9 utilize 51:8 66:7 utilized 60:4,8 utilizing 50:19 v v 55:11 87:2 various 13:18 vary 30:13 verbal 5:1 verbally 47:10 veritext 87:1 versus 8:13,15 10:14 video 62:23 63:22 violation 62:23 64:1 virtual 1:16 visible 40:6 50:15 visibly 40:10 vision 50:5,5,7 54:2 74:7,8 76:13 voice 5:8 volusia 25:16 vouchers 22:16 w wait 6:7 59:14 59:19	waiting 35:19 waived 3:7 walk 40:1 41:4 83:17 wall 44:9,10,20 45:1 waller 16:9 walls 49:18 want 26:7,10 32:17 33:1 36:23 59:10,23 61:1 64:24 70:17 wanted 24:12 32:20 47:16 57:25 water 36:6 41:14 41:18,20 way 68:5 86:14 we've 7:19 58:21 weall 2:10 4:5,12 17:20 28:25 36:19 55:9 59:1 59:4,8 84:9 85:12 weapon 40:23 wearing 54:3,3 week 34:13,25 56:1 80:12,12 81:4 weeks 35:2 weird 71:8 went 34:8 47:7,9 65:24 whereof 86:16 white 19:19 34:19 56:18
--	---	---	---

[williams - z]

Page 18

williams 1:8 37:24 39:20,21 41:5,24 44:17 66:7 71:5,7,10 72:22 withdrawn 14:6 witness 3:8,12 3:13 4:1 6:17 13:7 36:22 84:7 84:10,12 86:8,11 86:16 witnesses' 87:3 work 21:18 worked 21:14,21 21:23 worse 54:10,13 54:15 55:3 wound 15:15 wrists 50:3,18 53:8 74:7 write 5:5 written 62:15,19 65:14,16,17 71:2 71:15 wrong 24:12 wrote 65:21 66:15	years 15:9 20:24 23:20 25:23 54:12 79:8,9,10 79:12 york 1:1,7,20 2:5 2:8,9,9 4:3,15 14:11 15:17,20 16:4 17:4 18:2 19:19 20:2,2 21:15 22:2 23:18 27:18 80:9,22 81:20 86:3,7 87:1,2
	z
	z 4:1 55:11
x	
x 1:2,10 85:1,9 xx 17:18,18,22 xxx 17:22	
y	
y 55:11 yeah 40:9 year 18:23,25 19:6,6 25:7,21 27:16,16 77:2,9	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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